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The Solicitors' Journal.

LONDON, JULY 9, 1870.

A MEETING OF SOLICITORS was held at the Guildhall Coffee-house, on Thursday, convened by members of this branch of the profession, who, to use their own phrase, are desirous of "infusing new blood into the council of the Incorporated Law Society." We report the proceedings in another column. The sense of the meeting appeared to be that the council of the society had been censurably inactive as regards measures before the Legislature, and also as regards their duty of repressing, by all possible means, improper practices by members of the profession and unqualified practitioners. After some discussion a resolution was carried in favour of the "infusion."

We believe that among solicitors a feeling has been lately gaining ground that the Incorporated Law Society are somewhat remiss in the discharge of the above-mentioned duties. We own ourselves to thinking that a more efficient check might have been kept upon the "unqualified practitioners," and the "black sheep of the profession." But we desire not to forget that it is easier to say —"so and so ought to be stopped," or—"such and such a one ought to be proceeded against"—than to carry the idea into execution. There are probably numerous instances in which the council of the Incorporated Law Society, with every desire to lay a heavy hand on some man or some practice, are reluctantly compelled to do nothing, because an investigation shows that the offender has been cunning or lucky enough to keep on the safe side of the law, or that no "case" can be proved. With regard to the pending measures of legislation too, the profession should not overlook the fact that the Incorporated Law Society would be unworthy of their position, did they lose sight of the principle that the interests of the public are the true interests of the profession. We have sometimes heard complaints made against the council because they have abstained from agitating for principles conceived only in the narrow interest of the lawyer's pocket. Still, we certainly think that the council will be all the better for the little "jog" which the conveners of this meeting would give them. If there is a belief extant that the council have been too inactive, it is very desirable that the matter should be ventilated, and the mere ventilation of the matter will probably produce the effect aimed at by the proceedings which we report to-day.

IN THE COURSE OF THE ARGUMENT on Friday of an appeal motion in the winding up of the Agriculturist Cattle Insurance Company, which involved an important question on the construction of the company's deed of settlement, Lord Justice James said:—"This is one of the cases of which I think it is very unfortunate that they are not determined by the Full Court. It is far more important than half the causes." We are glad to see that his Lordship gives the weight of his opinion to the view which we have frequently expressed of the ill-advised Act of 1867, which enabled a single Lord Justice to hear and decide all appeal motions without distinction. I this provision had been confined to merely interlocutory motions, it might have been unobjectionable; but as, under the statutory jurisdiction, matters of the greatest importance are brought before the Court in a summary way, and the decision of the primary judge is appealed from by way of motion, the result is that, in cases of this kind, if the decision is reversed, there is nothing but the opinion of one judge to set against that of another, a state of things which, we venture to think, is eminently unsatisfactory. Our only expectation at present that this state of things may be put an end to lies in the hope that the illness of Lord Justice Giffard may not be of long duration; a hope which, independently of this reason, we should most sincerely entertain.

A FEW WORDS UPON THE DUTIES of overseers in making out the list of voters for counties, may not be out of season at the present time. The various provisions of the statutes which have reference to the lists of £12 occupiers are far from consistent, and may well puzzle experienced vestry clerks, much less the overseers in country parishes, who usually have to perform the duties themselves without the assistance of a vestry clerk.

On the 10th of June, it was the duty of the clerks of the various counties to send to the overseers of each parish, with other documents, "a sufficient number of copies of the part or parts of the register relating to such parish" (vide 28 Vict. c. 36 s. 3), and the overseers had on the 20th of June, to publish a copy of the register then in force relating to their parish. Now the list of £12 occupiers of the previous year is undoubtedly a part of the register in force, and it therefore comes within the words of the enactment which we have quoted. Inasmuch, however, as the object of the publication of a copy of the old register is to enable persons not on the register to claim to be put on, and as £12 occupiers need not claim, but ought to be put on by the overseers without a claim, there is no object in publishing that part of the old register which relates only to £12 occupiers. Great confusion was caused last year in many places by the clerks of the peace sending the old £12 list to the overseers for publication, and we fancy it will be found that this year the great majority of clerks of the peace have not sent this part of the register to the overseers. The overseers have to make out on the 31st of July, and publish on the 1st of August, a list of the persons entitled on the 31st of July to vote as £12 occupiers. This is the part of their duty in the performance of which they usually make most mistakes. If the clerk of the peace has previously sent them the old list of £12 occupiers, they often confine themselves to re-publishing the old list, so that their list will contain the names of the occupiers during the wrong year. This mistake when made is capable of being rectified, because all the persons in the list who have become disqualified may be objected to, and all the new occupiers who have been improperly omitted may claim. It is, however, very clear that this is never likely to be done, and therefore when this mistake is made, the practical result will be that many unqualified persons will be left on the register, and many qualified ones will be omitted. On the other hand, when the overseer has not the list of the previous year to assist him, he is as likely as not to make as many mistakes in the form of his list as were made in the first year the duty was imposed on the overseers. In some cases the result of the clerk of the peace not sending a copy of the old £12 list has been that the overseer omits to publish any £12 list at all. Of course this arises from mere carelessness and inattention to the instructions that he receives, and no remarks of ours are likely to prevent its recurrence. Difficulties will, however, present themselves even to attentive overseers. Our advice to overseers about to make out their £12 lists, is that they should procure, if possible, a copy of the old list of the former year, as it

appears on the register after being settled by the revising barrister, and use this as a model for their new list. If the revising barrister has taken the trouble to amend the list of the previous year in all respects, of course the model will be a perfect one; but even if he should not have done so, the overseer will probably escape any blame if he follows the form of the old list. The new list for the present year should include all persons who have been in the occupation of premises rated at £12 or upwards between the 31st of July, 1869, and the 30th of July, 1870, and have been rated to all rates "allowed" between those days. The overseer will be justified, in the absence of knowledge on his part to the contrary, in taking rating during the period as evidence of occupation; but wherever he is aware that the occupation began too late or had ceased, he should omit the name, and he also should be careful not to insert the names of owners of cottage property or the like, who are often rated though not in occupation. As regards the form of the list, the first column contains the name only; the second ought to contain a full postal address, so that a letter so addressed, without any further addition, and posted in any part of the kingdom, would be certain to reach the voter, and so also that any stranger coming to inquire for him on the spot might at once find him out by the address given. As to the third column there is some difference of opinion, but we have no doubt that it ought to give simply the subject-matter which the person occupies, and for which he is rated, as "house," "house and garden," "house and shop," and the like. There can be no harm if the subject-matter is given in adding other words such as "occupier of," or "rated occupier of," but in our judgment this is unnecessary. If the the subject-matter is omitted, and only "rating to poor rate" or "poor rate," or the like given, there can be no doubt the description is erroneous, and though we think it clearly a case for the revising barrister to amend, we believe there are some who refuse to do so. As regards the fourth column, it should give the shortest name or local description of the subject-matter of the qualification sufficient to identify it, such as "Stallard's farm," "The King's Arm Inn," "13, High-street," "fields on the London-road," or the like. It is unnecessary in this column to add the name of the parish or county, as the qualification must be in the parish for which the list is made. One other matter troubles overseers in making out this list, and that is whether they should include or omit persons qualified to be on it, but who are also on the register for other qualifications. As the law stands at present, they ought to include them, although in cases where they themselves so well know of the existence of the other qualification, that in case of an objection they could prove the qualification before the revising barrister, they cannot do much harm if they omit the name. If, however, an objection should be afterwards served, and the qualification not proved, the result of the overseer's having omitted the name on the £12 list will be that the vote is lost altogether. Inasmuch, however, as the duplicates have ultimately to be struck out by the revising barrister, it is a great convenience if the overseer will note on his £12 list the names which appear also on the other lists. This will enable him to give the revising barrister readily the information which he requires, and will save a tedious comparison of lists and inquiries into the identity of parties of similar names. We fancy that any overseer who takes this trouble, will find favour with the revising barrister when he presents his bill of expenses for taxation.

THE EXTRADITION BILL passed rapidly through committee on Monday last. Two alterations only were made. The Attorney-General, to meet the views of Mr. M'Cullagh Torrens, and to promote greater security against the delivering up of political offenders, moved, as an amendment to clause 3, that not only shall a foreign criminal not be surrendered for an offence of a political character, but he shall not be surrendered if he satisfy the proper authorities that the object of the requisition for his surrender is to try him for such an offence. Secondly, piracy by municipal law was struck out of the list of crimes in the first schedule, and the Attorney-General undertook to consider whether "crimes of bankrupts against the bankruptcy law" should be retained. Our present extradition treaty with France extends to crimes against the bankruptcy law, but our treaty with the United States does not. It would seem more desirable to follow the French precedent than the American one, especially at the present time, when we are opening our eyes to the necessity of regarding bankrupts in a more unfavourable light than heretofore.

IN THE STATISTICAL RETURN of county court business for 1869 there is a column of figures which gives the number of orders for protection of the earnings and property of deserted married women registered in each of the county court circuits during the year. In two circuits there was only one order in each, but at the other end of the scale two circuits had respectively thirty-nine and thirty-two. The two former circuits are a Welsh and a Somersetshire one, neither including any large establishments employing female labour. Of the two latter, one consists chiefly of the towns of Salford, Rochdale, and Oldham, and the other of Bolton, Bury, and Wigan, all of them noted for their large numbers of what may be called wage-earning women. Fourteen circuits, consisting largely of these wage-earning women, account for more than one-half of the 738 orders granted during the year, while the other half, or less, are spread over the remaining forty-five circuits. The return is so got up that it is impossible to get at more than vague generalities, the numbers being given by circuits. If they were given by courts, as the registrars send them to the Treasury, a much more interesting, because more accurate, result might be arrived at.

APROPOS OF SOME JUDICIAL STATISTICS recently published in the *Times* the *British Medical Journal* has the following:—

"Reference is often made by public writers to the conflict of opinion which is commonly found amongst medical witnesses. Lawyers are most apt to refer to this diversity of judgment—rarely in complimentary terms—most often to suggest or point the conclusion that judgments so divided in their course and so little consistent are of slight weight and deserve little consideration. A barrister furnishes us this week with facts that should modify that opinion, if strict anology can serve to afford an illustration or to point an argument. The analysis of the decisions of Lord Justice Giffard, sitting alone in appeal cases from January to June, 1870, shows that of forty-one appeals from various courts the decisions of those courts were affirmed in seventeen cases, reversed in nineteen cases, and varied in five cases. In applying this illustration to the cases of difference of opinion amongst medical experts in courts of justice, it must be remembered that in the great majority of cases to be decided—say ninety per cent. of railway compensation cases—medical opinion is unanimous. And such cases do not come into court. It is only where doubts and difficulties arise that a judicial decision in court is ordinarily asked. The cases of agreement, which are most numerous, are settled out of sight. Moreover, it is only fair to take into account the essential elements of mystery, individual vital differences, and special combinations which surround each medical case, and obstruct the arrival at certainty. In legal decisions all the conditions are known, and the principles to be applied are ascertainable. The process is one of pure reasoning, free from conjecture. Yet it does not seem to be productive of complete unanimity in the end."

The "conditions" and the "principles" are the facts and the law. The former can hardly be said to be known when they are determinable only from the mass of testimony, which is often entirely contradictory, very often partially so. How, again, is the law ascertainable? That is law which the ultimate judge pronounces to be so: there may be an obscure statute at the construction of which the Court can only guess; or a network of Acts

may have crossed each other, qualifying, repealing, and re-enacting, till a confusion is produced so gross that the same judgment would scarcely take the same view of it twice running; or perhaps an ancient doctrine of law has to be applied to a state of modern circumstances totally foreign to its origin and nature. If by pure reasoning our contemporary intends that deductive reasoning which, as in mathematics, can conduct only to one conclusion, the case does not admit of it.

But this is of minor importance, the fact of such a *tu quoque* being attempted shows completely our contemporary has misunderstood the situation. We are sorry to see the conflict of medical evidence in railway cases, not because we regard it as proving medical opinions to be of small value, but because we regret to see medical witnesses allowing themselves to be retained as medical partisans. Adopting the words of Dr. Charles Hall, in a paper published a few years ago by our contemporary itself, a medical man "forgets what is due to himself and the public, when he undertakes to become an *advocate* instead of a *witness*."

WE ARE GLAD TO LEARN that the Law Amendment Society have issued a circular in opposition to the motion of which Mr. Denman has given notice, with a view of impeding the further progress of the High Court of Justice Bill. The practical effect of that motion, if successful, would be to introduce the "vicious circle" pointed out by the Society. It would be said, first, "Don't consolidate your courts till you have the new procedure cut and dried and agreed upon;" and then, "You cannot possibly tell what rules of procedure ought to be adopted till you have a court in existence capable of working them;" and thus the reform, which all admit to be desirable, might by a little adroit manipulation be postponed *ad Græcas Calendas*. It is true that, having regard to the form in which the bill was originally introduced, we felt constrained to suggest that it ought to be referred to a select committee, a course which would have probably thrown it over for the present session; but the bill has been twice substantially re-drawn since then, each fresh phase being, on the whole, an improvement on its immediate predecessor; and in the shape in which it has been sent down to the Commons our original objections have all but entirely disappeared, the provisions now proposed concerning the new Rules and Orders being in effect tantamount to a compliance with our suggestions. As the bill now stands it simply commits the country to a most desirable measure of reform, whilst it postpones the practical operation of that measure until Parliament shall have approved of the principles of the proposed new procedure. The plan proposed by the bill, with the approbation of all parties in the House of Lords, is, moreover, free from the defect of introducing a stereotyped rule which nothing short of an Act of Parliament, or a case of open usurpation of authority, can get rid of. The original Rules are, indeed, to have Parliamentary sanction, and so far Parliament can secure that any principles it desires may be made unalterable; but the Court is to have power to vary these Rules from time to time, and therefore, so far as Parliament shall not have forbidden it, can alter or modify any regulation which may not have worked satisfactorily. How expedient such a power is may be easily gathered from the success which has attended Lord Cranworth's order of 13th January, 1855, which deliberately abrogated the provisions of 15 & 16 Vict. c. 86, ss. 29, 30, and substituted other provisions in lieu thereof, which substituted powers have continued for the last fifteen years to regulate the practice of the Court in several important points as to evidence, without any Parliamentary sanction whatever. The usurpation—for such it clearly was—was so beneficial that it has for so far succeeded; and yet—for it has not been established so long as the practice temporarily set aside by the celebrated decision in *Cooksey* v. *Anderson*—it may even now be determined, to the discomfiture of some unfortunate plaintiff, that in every case in which mixed evidence has been taken the affidavit portion of the evidence was strictly inadmissible, because the rule authorising its use was—as it clearly was—*ultra vires*. We sincerely trust that this opposition, which we are unwilling to attribute to a desire for mere delay, may fail, and that this session of Parliament—which has not, so far as we know, as yet produced any very valuable addition to the Statute-book—will not come to a close before it has conclusively affirmed the proposition that there ought no longer to exist a multiplicity of superior courts, each of which is confessedly unable to do complete justice in every case which may come before it.

THE JUDICATURE COMMISSION have been asking questions of county court registrars on a subject to which we called attention some time ago (*vide ante* 587), namely, the extraordinary difference in the numbers of the nonsuits and judgments for defendants, in proportion to plaints issued, in some courts as compared with others. One registrar said he instructed his issuing clerk to refuse to issue a summons if the case presented to him was clearly a bad one; and this he did in the interest of ignorant persons who often sought to spend money in cases which any intelligent person, to say nothing of a lawyer, would at once pronounce to be hopeless. Refusing to issue summonses in such cases, no doubt, has the effect of diminishing the number of nonsuits and judgments for defendants; but another registrar put the case in a very different light. It was not fair, he said, to throw such a responsibility on the issuing clerk, it was making him a sort of judge to decide on an *ex parte* statement. He therefore instructed his clerk not to refuse a summons, however bad the case might appear to be, the judge being the only person to decide whether it was bad or not. These two different modes of practice will, no doubt, account to a considerable extent for the discrepancies pointed out in the article referred to; but the question arises, which of the two courses is the proper one? It may be hard upon a poor man to take his money for a process which obviously must prove abortive, and must, in addition, entail more expense; but, on the other hand, the applicant is not likely to be content with the decision of a clerk who tells him he has no case, and, therefore, cannot have a summons. A refusal of process is a decision on the claim by the clerk refusing the process, and it is hardly expedient that intending plaintiffs, however ignorantly obstinate, should be compelled to accept the decision of anyone short of the judge, or, at least, the registrar. Recently, in one of the London courts, a plaintiff having stated his case, the judge at once said there was no cause of action whatever, and gave judgment for the defendant, telling the plaintiff he was a very foolish man for bringing the case into court. The issuing clerk explained to the judge that he had told the plaintiff, when he applied for the summons, that he had no case, and had better keep his money in his pocket. The plaintiff refused to take the clerk's advice, and insisted on proceeding. The clerk said he should decline to issue then, but if plaintiff returned after having taken an hour to consider the matter, as he then appeared somewhat excited, the summons should issue. The plaintiff returned and issued the summons, with the result before mentioned, the judge remarking that the clerk could hardly have done more than he did to protect the plaintiff from his own folly.

THE HOUSE OF LORDS have this week decided the question in the Duke of Newcastle's case—viz., whether, under the Bankruptcy Act, 1861, a peer of Parliament and non-trader could be adjudicated bankrupt. It will be remembered that Mr. Commissioner Winslow decided the question in the negative, his decision being reversed by Lord Justice Giffard. We pointed out, when the question first arose, that the answer must be in the affirmative, and the House of Lords' decision finally settles the matter

so; the solution, however, was, to our mind, too plain to admit of any doubt.

WE HAVE ALREADY HAD OCCASION to notice Mr. Dodd's Revestment of Mortgages Bills, which, though both of them impracticable, were directed to a useful object. *Apropos* of these measures, a Canadian legal journal remarks that in that colony the revestment of mortgages has for many years been effected by a certificate of discharge under Local Registry Acts.

IN ANOTHER COLUMN will be found our reporter's account of the meeting of the Legal Education Association, held at Lincoln's-inn this week, and the speech of Sir Roundell Palmer, as chairman. The association is now formally started, and with such unanimity as to its objects we may look for excellent results as a certainty.

THE JUDICIAL COMMITTEE.

Now that the future constitution of the superior courts of this country is, as we sincerely hope, practically settled, the attention of law reformers is naturally directed to the working of that important tribunal which now forms the principal connecting link between the mother country and its numerous colonies. We need not in this journal insist on the value of anything which binds Gritain Britain and her colonies together. The appellate jurisdiction of the Crown, exercised through the Judicial Committee of the Privy Council, is one of the most important links which connect them all with this country and with one another. It is therefore of no slight moment that this jurisdiction should be exercised in a manner which may command the confidence and preserve the good-will of the colonies at large, and this it will be very unlikely to do if a large and increasing arrear indefinitely delays the hearing of appeals, and so practically destroys the control of the superior tribunal; or if, from want of judicial power, or any other cause, the appellate Court should fail to command the respect as well as the obedience of the local populations. As the Judicial Committee is at present constituted, the latter of these contingencies is not very likely to occur. Recruited as it is from the front ranks of all departments of the judiciary at home, and with the further services of persons specially adapted for dealing with the most peculiar of the local systems of law which come under its cognizance, it is scarcely possible that any change can be made in the constitution of the Court which would not tend rather to diminish than to increase its judicial excellence. On the other hand, the accumulation of arrears is a serious evil, which seems imperatively to demand a remedy, if only one could be devised which would not aggravate the mischief by lowering the character of the Court.

To this end it has lately been proposed to attach this appellate jurisdiction to the appeal division of the High Court of Justice, but this plan seems to us to involve several serious disadvantages without any compensating advantage whatever. It in no way increases the judicial strength of the Court, for all the Lords Justices of Appeal are already to be members of the Judicial Committee; and if their time is not fully taken up by their more immediate duties, there is nothing to prevent them from taking—nay more, it is their duty to take—their turn at the sittings of the Privy Council, and it certainly would not tend to increase the efficacy of the Court, whilst it equally certainly would diminish its prestige, to transfer its sittings from the Privy Council Chamber to one of the ordinary courts of this country. And this objection applies yet more forcibly to the substance of the proposal. It is far from clear that such peoples as those of Canada and the Australian colonies would be willing to allow the decisions of their supreme courts to be subjected to the review of a purely English court, and one, moreover, which is itself to be a subordinate both in form and substance. If the proposition merely means that the Judicial Committee of the Privy Council, unchanged in constitution, is to hold its sittings along with those of the Divisional Court of Appeal, occupying such time as can be spared, or may be allocated to it, out of the sittings of that Court, it merely degrades the status of the Court without increasing its efficiency; if, on the other hand, it is meant to transfer the jurisdiction from one body to the other, it wantonly throws away the services of the retired judges for no purpose that we can see, except to heap upon a local court—which, if successful, will certainly have no lack of business of its own, and if unsuccessful ought not to have any extension of its jurisdiction—a mass of extraneous matters, depending upon a variety of systems of law of which the Court is judicially ignorant, whatever the personal knowledge of any of its members may be, to the detriment as well of its ordinary functions as of the dignity and prestige of our colonial administration.

Nor can we see any ground whatever for a violent remedy, at least until the effect of an obvious and simple one has been tried. Let the Committee be empowered to form any number of sub-committees sitting simultaneously, so long only as there is a *quorum* present at each, and provide for the presence there of all privy councillors who are in the receipt of judicial pensions, whether from any part of the United Kingdom, or any of our colonies or dependencies, as well as of the judges who now form a part of this Committee, and there will be no lack of judicial power of the highest order, sufficient, not only to keep down the appeals, but, at no very distant period, to work off the arrear. And as it may possibly be the case, though we are far from admitting it, that as these judges are unpaid it will be difficult to secure their services with the regularity which would be essential to the sitting of a permanent court, the difficulty might be avoided by making the receipt of a pension on the full scale conditional on a fixed minimum number of attendances at the sittings of the Committee, unless relieved therefrom by the order of the Committee itself for cause to be mentioned in the order. A judge who for any reason whatever wished to retire without being liable to serve on this Committee might do so by accepting a pension on a reduced scale.

If the idea that the new Court of Appeal will have time to spare from its regular work should turn out well founded, of course all the judges of that court will be available for the Committee, and these added to the members already mentioned will be amply sufficient for the requirements of the case; but should that not prove to be so, and should no more assistance be available from that quarter than is now to be obtained from the Court of Appeal in Chancery, still we do not see any reason to doubt that a Court which would consist of some thirty members could easily sit (in three committees) for one hundred days in the year; and this would, we think, be sufficient to keep down the work.

Of all the propositions which have come to our notice that of a regular staff of paid judges for this service only seems to us the worst, not only as so unnecessarily wasting the available services of the ex-chancellors and retired judges, but as necessarily throwing the court into the hands of men who, whatever their personal merits may happen to be, cannot hope to vie in weight or influence with a court which necessarily comprehends the most tried and distinguished lawyers which the empire can furnish. If the paid judges are promoted from the ranks of the judiciary the result is merely an expensive system of forced and premature retirement; if they are appointed direct from the ranks of the bar they cannot, as a body, command the deference now awarded to the present Committee. At any rate, it will be time enough to create a totally new staff of judges, at a greatly increased expense, when the simpler, cheaper, and more obvious remedy we have suggested has been tried and failed.

ON THE REMEDIES OF UNPAID VENDORS OF LAND TO RAILWAY COMPANIES.

It is only of late years that cases on this subject have come into the reports. They are now numerous enough, as any one would expect who was acquainted with the history of railway enterprise in this country during the last seven years. It is well settled what are the means at the disposal of a vendor for enforcing his lien, in an ordinary case; but where the purchaser was a railway company, buying under the powers and for the objects of their Act, there used to be an impression that the Act conferred on the public a sort of right of user of the land, so that the vendor, in default of payment, was debarred from enforcing his lien upon the land thus dedicated to the public in any way that could impair their right. In a former volume we commented on the decisions then bearing upon the subject; as cases of this description are continually recurring, it will not be amiss to renew the subject again by the aid of new lights. In *Walker* v. *Ware, Hadham, and Buntingford Railway Company* (14 W. R. 158, L. R. 1 Eq. 195), which was a landowner's suit for specific performance, declaration of lien, and sale in default of payment, it was contended that the Legislature, by providing special remedies for landowners, had deprived them of the lien which arises by implication out of ordinary contracts for the sale of land as distinguished from chattels; and that the purpose for which the land was required, with the vendor's knowledge, was inconsistent with the enforcement of his lien in any way that would affect the rights of the public. The Master of the Rolls held, and his decision in this, one of the earliest cases of the class, has always been followed—that the vendor's statutory remedy by action brought upon the bond which under section 85 of the Lands Clauses Act the company gives on taking possession, if they do not pay the purchase-money at once, did not impliedly deprive the landowner of his lien, but that such lien was an inherent equitable right, common to him and to vendors in general. As the Lord Justice put it in *Munns* v. *Isle of Wight Railway Company* (18 W. R. 781, L. R. 5 Ch. 414), the latest case upon the subject, the company could only give to the public such rights of user as the company itself possessed, so that, if the vendor happened to have rights against the company, the rights of the public could only be subservient to his rights.

In *Wood* v. *Charing Cross Railway Company* (33 Beav. 290, 13 W. R. Ch. Dig. 38), where the works were almost or altogether completed on land of which the company had taken possession by some mistake, and the Master of the Rolls refused to stay the progress of the works on an interlocutory application, for that to do so would be to cause inconvenience to the company and injury to the public, without any corresponding benefit to the plaintiff, the *ratio decidendi* was, that the plaintiff had stood by during the progress of the works, and could obtain a settlement without driving the company to accept more onerous terms by the method of an injunction. Where the conduct of the parties allows it, the Court is bound to, and will, consider public convenience; but where a vendor has an inherent equitable right to enforce his lien, the Court will not refuse to give him its aid, because a line of railway would be shut up, which the preamble of an Act has stated to be of public advantage.

It was some time, however, before this was definitely ruled. In the *Bishops Waltham Railway case* (15 W. R. 96, L. R. 2 Ch. 384) Lord Cairns and Lord Justice Turner rather hinted that the land covered by the railway could not be sold; while in *Raphael* v. *Thames Valley Railway Company* (15 W. R. 322, L. R. 2 Ch. 151), decided about the same time, Lord Chelmsford observed, *obiter*, "that it was at least questionable whether, in a case where there had been a determined and wilful breach of an agreement by a railway company, the element of public convenience ought to be introduced, so as to prevent a decree for specific performance." It is now settled that the unpaid vendor is entitled to a sale. The decision in *Walker* v. *Ware, Hadham, and Buntingford Railway Company* was followed in *Wing* v. *Tottenham and Hampstead Junction Railway Company* (16 W. R. 1898, L. R. 3 Ch. 740). In this case the Court of Appeal decided that, in default of payment, the vendor was entitled to a sale of the land, although the railway made over it was actually completed and ready for traffic; adding (per Lord Justice Selwyn) that a vendor of land to a railway company is, with respect to his lien, in no different position from a vendor of land to any other purchaser.

Where, however, land is sold to a railway company in consideration of a yearly rent-charge, in manner provided by section 10 of the Lands Clauses Consolidation Act, the vendor is not entitled to a lien for the unpaid arrears on the principle of *Winter* v. *Lord Anson* (3 Russ. 488), and, therefore, is not entitled to a sale in default of payment. "A man conveys a piece of land," said Vice-Chancellor James, in *Earl of Jersey* v *Briton Ferry Floating Dock Company* (L. R. 7 Eq. 409), "for the construction of a public work in consideration of an annual payment. It appears to me that it would be quite contrary to the intention of the parties to suppose the vendor was reserving to himself a right at any future time to enter and destroy the public work if the annual rent should fall into arrear. Hence, in my opinion, there is no lien in such a case for unpaid purchase-money." This conclusion should be borne in mind. But it is, after all, foreign to our present purpose, which is to consider how the lien may be enforced, rather than in what cases it arises.

We have seen that where the consideration was a gross sum the vendor, in default of payment, is entitled to a declaration of lien. But what are his remedies for enforcing it? We have seen that he is entitled to an order for sale: and it seems that the land, if sold, will be sold free from the rights of the company and from all claims of the public to use it as a highway (*Munns* v. *Isle of Wight Railway Company, ubi sup.*) The application for this order should be by petition, not motion (*Williams* v. *Great Eastern Railway Company*, 16 W. R. 821), and will be granted irrespective of the fact of the railway being completed and opened for traffic (*Vyner* v. *Hoylake Railway Company*, 17 W. R. 92). But the sale is often bootless, for who will buy a section of a railway? A receiver is often appointed until sale. The Court will not, however, now restrain the company from using the land until payment. In *Cozens* v. *Bognor Railway Company*, (14 W. R. 1002, L. R. 1 Ch. 594), the purchasers had leased their undertaking to another company, and the money remaining unpaid, the vendor filed his bill against both companies, praying for payment of the purchase-money, and an injunction to restrain the company from using the land until payment. Upon a motion to restrain both companies in default of payment from running any engine over or otherwise using the land, until the hearing, the Court held (*diss.* Lord Justice Turner, who thought that the proper course was to appoint a receiver of the tolls) that the case not being an ordinary one, the motion ought to be granted. Subsequent decisions have shown that the opinion of Lord Justice Turner was correct.

The case of *Bishop of Winchester* v. *Mid Hants Railway Company* (16 W. R. 72, L. R. 5 Eq. 17) was, like the last, a bill by an unpaid vendor against two railway companies—the purchasers and their lessees—in possession of the land. Whether the land has been taken by consent or not, be it observed in passing, has no bearing upon the present question. The prayer was for specific performance of the contract, for payment of the purchase-money, for an injunction against *both* companies, for a declaration of lien to be enforced by a sale, and that a receiver might be appointed over the estate of the purchasers. The prayer went farther than it ought to have gone, inasmuch as the Court could not appoint a receiver of more than the land which was the subject of the unperformed contract. Vice-

Chancellor Stuart—and this is a point of importance—held that the lessees were properly made parties; and, after a declaration of lien in the usual way, gave leave to apply for an injunction, as well as for the appointment of a receiver of the profits of the land in question. It does not appear what were the subsequent proceedings in this suit, or whether the injunction was actually awarded. Suits of this class are instituted to compel payment by indirect means, and an injunction against using the railway must be the most potent weapon in the repertory of the unpaid vendor. Unluckily for him, it is a weapon which he is no longer entitled to use. In *Pell* v. *The Northampton Railway Company* (15 W. R. 27, L. R. 2 Ch. 100), where the company were let into possession on giving the usual bond, and default was made, the Lords Justices decided that the landowner was not entitled to restrain the company from using the land, it appearing inconsistent, in the words of Lord Cairns (*loc. cit.*), in a suit for specific performance, to apply to turn the purchaser out of possession.

In *Munns* v. *The Isle of Wight Railway Company* (17 W. R. 1081, L. R. 8 Eq. 653) nevertheless, the injunction was awarded by Vice-Chancellor James, with the usual suspension of the order being enforced, against running any engine over or otherwise using or continuing in possession of the land. This order has been discharged by Lord Justice Giffard (18 W. R. 781), who holds that to grant an injunction was not the right course to pursue, because it precluded all use of the land, and amounted to a discontinuance of possession. But the Lord Justice appointed a receiver, whom he directed the company to put into possession forthwith.

We regard the decision on appeal in *Munns* v. *Isle of Wight Railway Company*, supported, as it is, by the dictum of Lord Cairns in *Pell* v. *Northampton Railway Company*, as decisive of the vexed question whether an unpaid landowner is entitled to restrain the company from using the land. We have seen that he is entitled to a sale, and to a receiver until sale of the rents and profits of the land, like an ordinary vendor, irrespective of the so-called rights of the public. Even then he is much better off than the mortgagee or debenture-holder who is only entitled to a receiver; while it must be remembered that an injunction, if actually awarded, will deprive the company of the only means by which they can possibly discharge the landowner's claim. The reader will observe that the order in *Munns* v. *Isle of Wight Railway Company* was made notwithstanding the filing of the scheme of arrangement. Schemes of arrangement are not, it will be remembered (*Re Cambrian Railway Company's Scheme*, 16 W. R. 346, L. R. 3 Ch. 278), made binding by section 18 of the Railway Companies Act, 1867, upon unpaid landowners, though the Court has jurisdiction to restrain their proceedings during the maturing of the scheme.

RECENT DECISIONS.

EQUITY.

CASES WHERE DEBTORS ARE NOT PROTECTED FROM IMPRISONMENT—DEBTORS ACT, 1869, s. 4.

Young v. *Dallimore*, V.C.S., 18 W. R. 445.

This was a decision upon section 4, sub-section 3 of the Act, to the effect that a trustee who had made default in payment of a sum of money into Court, in pursuance of an order to that effect, was not protected from imprisonment.

In *Re Rush* (18 W. R. 331) the Master of the Rolls held, in the case of a solicitor, that default in payment of a balance found due from him to his client upon taxation, under the common order, was within the exception of sub-section 4, and rendered him liable to an attachment.

In *The Queen* v. *Pratt* (L. R. 5 Q. B. 176) default in payment of costs which had been awarded by quarter sessions against one of the parties to an appeal, and which by Jarvis' Act may be enforced by distress, and in default of distress by warrant of commitment, was held the "default in payment of any sum recoverable summarily before a justice or justices of the peace" within the meaning of sub-section 2.

Hewitson v. *Sherwin*, V.C.J. (18 W. R. 802), was a case of default in payment of costs under an order for payment of costs only, and the case was held to come within section 5 of the Act, as "default in payment of a debt due in pursuance of an order of the Court." Costs ordered to be paid are then a debt due from the person ordered to pay them, for non-payment of which he may be committed. In this particular case an order was made for payment of the costs by instalments under the 4th clause of sub-section 2, section 5, together with the costs of the motion. In default, the penalty is imprisonment for any term not exceeding six weeks or until payment of the sum due (section 5). This section, it will be remembered, varies the power of county courts under the County Court Act, 1846, ss. 98, 99, and the Acts amending the same.

SALE OF OFFICER'S COMMISSION—PRIORITY OF INCUMBRANCERS.

Boos v. *Hopkinson*, M.R., 18 W. R. 725.

Although an officer of the army cannot mortgage his pay, he may assign or encumber beforehand the proceeds of the sale of his commission; though no equitable charge is created by a deposit of the document which constitutes the "commission" itself (*Collyer* v. *Fallon*, T. & R. 439). Several cases, of which the present is one, have recently come before the Master of the Rolls, in which there has been a race for priority between such incumbrancers on the proceeds of the sale. No assignment of an incumbrance, or a *chose in action*, is complete until the holder or trustee is affected by notice of it. We use the term "affected by notice" advisedly, in order to avoid touching the manner of notice, because the Court of Chancery has of late years shown some disposition to change its attitude as regards that topic. In *Dearle* v. *Hall* (3 Russ. 1), *Foster* v. *Cockerell* (3 Cl. & F. 456), and other cases, this doctrine is put rather as a matter of policy, as a system of reward and punishment for those who do and do not bestir themselves to give notice. In some later cases, culminating in *Lloyd* v. *Banks*, (Lord Cairns, 16 W. R. 988), the judges seem to have disregarded this consideration of policy, and regarded the question as purely one of actual knowledge, not asking, "Did or did not the incumbrancer give notice?"—but "Had or had not the trustee as a fact an actual knowledge of the charge?" The reader, who desires to examine the decisions more minutely, is referred to our remarks on the case of *Lloyd* v. *Banks* (12 S. J. 802). In *Earl of Suffolk* v. *Cox* (15 W. R. 732), the Master of the Rolls held that when an officer sells his commission, his army agents become trustees of the purchase money for him, as soon "as it became their duty to carry out the distribution of the funds derived from the sale of the commission—that is, as soon as notice appeared in the *Gazette* of the retirement," &c.

In *Yates* v. *Cox* (17 W. R. 20) the Master of the Rolls held that notices given before the agents had become trustees, do not affect them when they have become trustees—that such notices are in fact useless; the notice to be effective must be given afterwards. Thus when one incumbrancer gave notice just before, and several others just after, all the latter came in first, and the former would have to give a fresh notice. Now, as we have just observed, Lord Cairns, in *Lloyd* v. *Banks*, seemed to regard the question as one of actual knowledge; it might then be argued that, on this view, a notice received by agents just before they became trustees of an officer's money, might be presumed to be retained in their minds afterwards, so as to affect them with notice of the incumbrance. In the present case,

Lord Romilly repeats his decision in *Yates* v. *Cox*, but the point we raise does not seem to have been taken. The argument is not so ready in the case of a firm of army agents as of a single trustee, because in the latter case you might be able to prove as a fact that the man did remember after he became trustee what he heard before—a consideration wholly inapplicable of course to the machinery of an army agent's and banker's office. At any rate, Lord Romilly's rule is a practically convenient one.

When a quantity of notices are given simultaneously, the court places those incumbrancers *inter se* in the order of their incumbrances.

RECEIVER UNDER AN INSPECTORSHIP DEED THE AGENT OF THE DEBTORS.

Hobson v. *Jones*, M. R., 18 W. R. 477.

This was a decision that the receiver under an ordinary deed of inspectorship, where there was no *cessio bonorum*, was the agent of the debtor, not of the inspectors who appointed him; the question being whether the debtor or the inspectors were to be the losers by the default of the receiver. The case must not be regarded as having been decided otherwise than upon its particular circumstances, but as the point does not appear to have come before the Court before, it may be worth noticing.

The Master of the Rolls compared the receiver in such a case to the receiver of a mortgaged estate, who is now (23 & 24 Vict. c. 145 s. 17) the agent of the mortgagor, not of the mortgagee, and laid some stress on the analogy between the two cases; also pointing out that where there is no *cessio bonorum*, inspectors are simply what their name denotes, persons to inspect and control, if necessary, the debtor in his management of the estate, without taking any estate or interest therein. Apt words might have been introduced to make the inspectors liable for moneys received by the inspectors, but the question here was solely as to the construction of the particular deed.

The duties of inspectors under a creditor's deed were considered in *Chaplin* v. *Young* (33 Beav. 330, 12 W. R. Ch. Dig. 29).

COMMON LAW.

RAILWAY COMPANY—NEGLIGENCE—CONVEYANCE OVER LINE NOT BELONGING TO CONTRACTING COMPANY.

Thomas v. *Rhymney Railway Company*, Q.B., 18 W. R. 668.

The Court of Queen's Bench in this case expressed a doubt as to the correctness of the principle laid down and acted upon in *Great Western Railway Company* v. *Blake* (10 W. R. 388) and *Buxton* v. *North Eastern Railway Company* (16 W. R. 1124), but at the same time they followed these two cases as they thought they were bound by them. The principle of *The Great Western Railway Company* v. *Blake*, as explained in *Buxton* v. *The North Eastern Railway Company*, is, "That where a railway company contracts with a passenger to carry him from one terminus to another, and on the journey the train has to pass over the line of another railway company, the company issuing the ticket incurs the same responsibility as that other company over whose line the train runs, and by whose default the accident happens, would incur if the contract to carry had been entered into with them."

In *Thomas* v. *Rhymney Railway Company* the plaintiff took a ticket from the defendants for a journey from A. to B. Part of the journey had to be performed on the line of the T. Railway Company, over which the defendants had running powers. The entire management of that portion of the line was in the hands of the T. company. An accident, by which the plaintiff was injured, occurred on this portion of the line, solely in consequence of the negligence of the T. company. The defendants were not negligent. The Court held the defendants liable on the authority of the two cases we have mentioned, but they expressed a dissent from the principle of those cases. This case therefore throws a doubt upon the law on this subject, without in any way altering it. The point of law itself is of much importance now that long journeys over the lines of several different railways are so frequently made. The law, as settled by the authorities on which this case is decided, is on the whole reasonable, and it relieves persons who may have been injured in a railway accident from the difficulty of having to search for the persons who are legally responsible to them for the damage caused. If a company contract to carry passengers from one point to another, it is more reasonable that the passenger should have a remedy against the company with whom he contracted than that he should have to discover the persons who were the immediate cause of the accident.

To hold the contracting company thus liable will render them more careful than they might otherwise be to provide for the safety of their trains, and it would be always in their power to recover damages from other companies whose lines they use if such companies are guilty of negligence by which the contracting company suffers loss.

Besides this reason for holding the contracting company liable, there are others, as, for instance, that, in cases which might be suggested, a passenger might have no remedy against a company with whom he made no contract although their acts caused him injury. It might be impossible to show that there had been any negligence as towards him. All these difficulties are avoided if the company which contracts to carry is primarily liable for the whole journey to those whom it so contracts to carry, and there seems to be no legal rule which need prevent the establishment of the principle.

SIXTY YEARS' TITLE—LEASEHOLD TITLE.

Frend v. *Buckley*, Ex. Ch., 18 W. R. 680.

On the sale of a fee simple estate without any special conditions the vendee is entitled to demand a sixty years' title, and the same rule applies to the sale of a leasehold estate. *Frend* v. *Buckley* has now decided that, on the sale of a leasehold estate, the vendor must not only give the usual sixty years' title, but he must also produce the original lease even if it is more than sixty years old, or, if it is lost, prove its contents by copy or otherwise.

The argument against thus holding was that in no case whatever could a vendor of land on an unconditional sale be called on to give more than a sixty years' title. The Court decided against this view, and held that if there is any difficulty in giving such proof the vendor should protect himself against the necessity of so doing by inserting a condition to that effect in his contract of sale. If there is no such condition the lease must be produced. This decision is, we believe, quite in accordance with what has hitherto been the practice of conveyancers in these cases, although no decision was cited which directly settled the point.

EVIDENCE—INTERROGATORIES—LIBEL.

Bowden v. *Allen*, C. P., 18 W. R. 695.

This decision is the result of the gross carelessness that is habitually displayed in the drawing of statutes. As we noticed the case immediately after it was decided (*ante* 524) we will now only briefly state the point involved.

6 & 7 Will. 4, c. 76, contained various provisions by which it was rendered easy to ascertain who were the printers, publishers and proprietors of any newspaper, &c.; and by section 19 it was also provided that anyone should be compelled to answer a bill of discovery in chancery in aid of an action for libel, for the purpose of ascertaining the name of the printers, publishers, &c., of any newspaper, &c. All these provisions are repealed by

the Newspapers, &c., Repeal Act, 1869 (32 & 33 Vict. c. 24), and section 19 is re-enacted.

The consequence of this is that a plaintiff in an action for libel in a newspaper may be unable to prove who are the printers, &c., of the paper, except by incurring the expense and delay of filing a bill in chancery. The means for ascertaining this information (except by a bill of discovery) are repealed, and a defendant in an action of libel cannot be interrogated under the Common Law Procedure Act, 1854, s. 51, as to whether he published the libel, &c., because his answer might criminate him and expose him to an indictment. This result of the Act of 1869 is obvious to anyone reading the statute with any care, and we noticed this consequence in the legislation of last year (13 S. J. 919) when commenting upon the statute then just passed.

Bowden v. *Allen* has now decided that the law is as we have above stated it to be, and the inconvenience must remain until there is fresh legislation on the subject. All this might have been spared by a provision requiring answers to interrogatories at common law in the same way, and subject to the same conditions, that answers are required by the re-enacted section of 6 & 7 Will. 4, c. 76, to a bill of discovery in chancery. The plaintiff is entitled to the information from the defendant, but he cannot obtain it in the court in which his action is brought.

Liability of Assignee of Lease to Lessee—Priority.

Moule v. *Garrett*, Ex., 18 W. R. 697.

This case decides that a lessee who has been successfully sued for breaches of covenant committed while the lease was vested in an assignee of his assignee can recover from such second assignee the amount which the lessee has thus had to pay, and this liability of the second assignee is not affected by the fact that the first assignee covenanted with the lessee to keep all the covenants in the lease, and that the second assignee made a similar covenant with the first.

This point has never before been decided, although there were some dicta to this effect in two or three reported cases. In *Burnett* v. *Lynch* (5 B. & C. 589) a lessee assigned his lease, and the assignee broke some of the covenants of the lease for which the lessee had to pay, and the lessee was held entitled to recover the amount so paid from his assignee, although there was no express contract between the parties to this effect. In this case there was direct privity between the plaintiff and defendant, and it seems no stretch of principle to imply a contract by the assignee to indemnify the lessee against the consequence of a breach of the covenants by the assignee, their contract containing no direct stipulations on that matter. *Moule* v. *Garrett* has, however, extended this principle so as to render the assignee of the assignee liable to indemnify the lessee. The only authorities for thus extending the assignee's liability are dicta in two cases in which the decisions were upon other points. In *Humble* v. *Langston* (7 M. & W. 536) there is a dictum that "the assignee of the lease becomes liable to the lessor for the performance of all the covenants which run with the land, and the lessee is also liable in the nature of a surety, as between himself and the assignee, for the performance of the same covenants." This principle has been expanded in a further dictum in *Wolveridge* v. *Steward* (1 C. & M. 644), where it is said that a lessee who has been compelled to pay for breaches of covenants in a lease committed by assignees "would in all probability have the same remedy over against each subsequent assignee in respect of breaches committed during the continuance of the interest of each of them, for the lessee is in effect a surety for each of them to the lessor."

The Court of Exchequer, adopting the principle expressed in this last dictum, decided as above stated. Cleasby, B., dissented from this decision on the ground "that between such remote parties there is an entire absence of that privity which is required to raise any implied contract between them, or any duty in respect of which an action can be brought." The arguments in favour of and against the decision are fully stated in the judgment of Cleasby, B., on one side, and of Channell, B., delivering the judgment of the majority of the Court, on the other side.

This case is an instance of an unusually wide extension of the principle by which contracts are "implied," as it is called in law. There is no agreement whatever in fact between the parties in a case like *Moule* v. *Garrett*, and the judgment of the majority of the Court seems to have been much influenced by the fact that the lessee in similar cases had been called a "surety" for the due performance by the respective assignees of the covenants of the lease. Cleasby, B., suggests that the contract between the lessee and assignee, if implied at all, is one of indemnity and not of suretyship. In fact, the relation between a lessee and an assignee is without the elements which are essential to create a contract of suretyship. A surety is liable when the principal has broken his contract. Until there is such breach he is not under any liability. In the case of the lessee, however, who has been called surety, there is no right of action at all until the lessee's own contract is broken. That is, until the lessee is liable to an action for breach of contract no one is liable. Whether or not there is any liability has to be ascertained by reference to the lessee's original contract with the lessor; if that is broken the lessor may sue either the lessee or the assignee, but the assignee's liability is dependent on the lessee's liability. This places the lessee rather in the position of principal than of surety. Again, in *Moule* v. *Garrett* it seems to have been assumed that the person primarily liable to observe the covenants in the lease is always the assignee for the time being. But this is not necessarily so. In an assignment the assignor may covenant that he and not the assignee shall repair, &c., and perform the covenants in the lease. In such an assignment the assignee would doubtless be liable to the lessor for breaches during the period of his interest, but there would be no reason for saying that he was primarily liable any more than for saying that the lessee was primarily liable. For these and other reasons noticed by Cleasby, B., this case will probably hardly be received as an undoubted authority until it is either recognised in subsequent decisions or affirmed in a higher court.

It seems, although not stated in so many words, that the principle of *Moule* v. *Garrett* applies only to breaches of covenants running with the land, as the assignee would not be liable to the lessor on any but these covenants.

Principal and Agent—Right to Sue—Broker—Bought and Sold Notes.

Fairlie v. *Fenton*, Ex., 18 W. R. 700.

A contract made by agents who disclose their principals at the time of the contract has the same legal effect as a contract made directly between the principals. The principals, and the principals alone, are the proper parties to sue and to be sued for a breach of the contract. If, however, an agent really contracting for a principal, nevertheless does not disclose that he is an agent, and contracts as if he himself were principal, he may be held liable upon the contract as if he were in fact principal. In such cases the other party to the contract, unless the contract is under seal, has an option to sue either the principal or the agent, and the agent or the principal may sue the other party. So, also, an agent *may*, if he chooses to do so, bind himself by the contract, although he discloses the name of his principal.

In *Fairlie* v. *Fenton* the plaintiff sold, as broker for a disclosed principal, some cotton to the defendants. The sale note was in the usual form, and commenced "I have this day sold you on account of" the principal (naming him), and it then described the cotton, and was directed to the defendants, and signed by the plaintiff, who wrote

the word "broker" after his signature. The defendants refused to accept the cotton, and the plaintiff sued them for breach of contract, and the only question of law was whether the plaintiff was entitled to sue in his own name. The Court held that he was not entitled to sue, as they thought that the contract was with the principals only, and the broker could not have been sued upon the contract, and, therefore, of course could not sue upon it.

The decision, therefore, is that a broker selling goods by bought and sold notes in the usual form, signed, "So-and-so, 'broker,'" cannot sue or be sued upon that contract. The principle of the decision is, as we stated, that when duly authorised agents contract for disclosed principals, the contract is between the principals only, and the agents therefore cannot sue or be sued upon it, unless there is something in the contract to show that it was intended that the agent should be personally liable. This principle is clear, although its application is often difficult, and this case is of importance on account of the application of that principle to a large class of contracts which are almost always made in the same form, and therefore a decision on one of such contracts is likely often to be referred to as an authority.

There was no question in this case as to the plaintiff's having any personal interest in the goods as a factor or auctioneer may have. When an agent selling goods has such a personal interest a somewhat different rule of law is applied, and the agent may sometimes sue in his own name, when without such interest he would have no right of action.

REVIEWS.

Reports of Cases Determined in the Supreme Courts of the State of California in the January, April, and July Terms, 1869. J. E. HALE, Reporter. Vol. 37. San Francisco: Sumner Whitney.

The specimens which come before us compel us to pronounce American law reporting as exceedingly badly done. The reporters appear to report cases indiscriminately, and the reports are crowded with decisions depending wholly on facts and utterly useless for citation purposes, besides innumerable other cases in which the points involved are incontestible propositions of law, to report which is a mere waste of paper. It seems as though no reporter ever gave himself time to consider what are the attributes of a reportable decision. So much for the selection of cases. Then the manner of execution is equally slovenly, the headnotes are wretchedly digested, and the statements of facts, if possible, worse; the latter are generally overloaded with the grossest irrelevancies. Indeed in the case of Wallace's Supreme Court Reports, the irrelevancies grew so grossly and ridiculously intolerable that the *American Law Review* printed an article on the matter, in which some of the strangest instances were recapitulated. Many of these expatiations were so utterly incredible that "we would not have believed them had we not seen them in print" (the reader will find the article in question in the first volume of the *American Law Review*). In other instances the reporters adopt the lazy and miserable shift of taking their statements of cases *verbatim* from the pleadings or evidence filed in the case. Mr. Hale, the reporter of the volume before us, appears to prefer that method of rendering his reports inconvenient to the reader. We open the volume at random at the case of *Nevada County & Sacramento Canal Company* v. *Kidd, et. al.* (p. 282). What is the use of a statement like this?—"The following was the complaint in this cause—'Now comes the plaintiff above named and, by leave of the Court first had and obtained, files thus its amended complaint in the above entitled cause, and alleges that plaintiff is and has,'" &c., &c., the statement being copied *verbatim* from the pleadings, in consequence of which six pages are occupied with what might and ought to have been digested into a twelfth of the space. Or what again is the use of a headnote like this—*Martin* v. *Wade* (p. 169)? "There is a distinction between contracts which are *malum in se* and those which are merely *malum prohibitum*. In certain cases remedies are afforded to one of the parties in the latter class of contracts?" The reporter's object seems to be to earn his money at the expense of as little labour as possible; but the result is a volume very inconvenient for all the purposes for which reports are useful. We make our remarks in no captious spirit; it may ordinarily be no business of ours to find fault with American law reporting, but as this volume has been forwarded to us for review, we are constrained to point out its deficiencies. We must add that the execution of the publisher's share of the work is as good as that of the reporter's is bad.

COURTS.

COURT OF CHANCERY.

(Before Vice-Chancellor STUART.)

July 6.—His HONOUR, at the sitting of the Court, said that he intended for the remainder of the sitting, up to the last seal, to have any consent petitions put in the paper every morning.

Greene, Q.C., said that would be a very convenient arrangement.

COURTS OF BANKRUPTCY.

LINCOLN'S-INN-FIELDS.

(Before the CHIEF JUDGE.)

Duties of Trustees.

July 4.—In a case of *Re W. Bennett*, this day, the CHIEF JUDGE took occasion to observe, in reference to the position of trustees under the new law, that it was not for the trustee to wait until the sitting for public examination and then to say that he was not satisfied with the bankrupt's statements. It was his duty to send for the bankrupt, and require his verbal explanation as to the position of his affairs, and, if not satisfactory, then to tender requisitions which the bankrupt was bound to answer. If the answers were not satisfactory, that would be a reason for adjourning, or, perhaps, for prosecuting the bankrupt for not having complied with the law. The present case, no doubt, required investigation, but the trustee need not have waited until the registrar gave him an appointment for an examination sitting. The trustee could have his own examination, and, if that was not satisfactory, he could insist upon the bankrupt furnishing written answers to written questions. In this respect the practice under the old law was not to be regarded. The trustee had the power to call upon the bankrupt to give all proper information, and he ought to exercise it; and if the bankrupt failed to comply with the requirements of the trustee he rendered himself liable to punishment.

Re Ferguson and Ferguson.

Bankruptcy Act, 1869, *ss.* 125 & 126, *rule* 260.

Under this petition for liquidation an interim injunction had been granted, restraining the landlord of the premises where the debtors had carried on business from proceeding with an action of ejectment brought against the debtors.

It appeared that the debtors, who were slate merchants, had taken the premises under a lease, one of the covenants being that they should lay out a sum of £1,800 upon the premises, and in consideration of that outlay the landlord granted a lease for a term of years. The deed contained a proviso that, in the event of the debtors becoming bankrupt or insolvent, "or by any other means with parting with, or depriving themselves of, possession without the leave of the lessor," the lease should become forfeited; and an action of ejectment had been brought to recover possession.

Reed, for the debtors, now applied for a continuance of an injunction granted on the 14th ult., stating that a trustee had very recently been appointed, and it was probable that negotiations would be carried out for a continuance of the tenancy.

Bevir, for the landlord, said it was perfectly clear that the debtors had broken the covenant, and he submitted that the Court would not allow the landlord to be kept at arm's length. At all events, the plaintiff should have leave to sign judgment.

The CHIEF JUDGE thought the signing judgment would be an idle proceeding, because, if the landlord was entitled to possession, he could obtain it under the adjudication. His Lordship could dispose of the whole question at issue;

but, as the landlord insisted upon his strict right of possession, by way, as it were, of penalty, he did not think it unreasonable that the trustee should have a little more time to see his way. Let the injunction be continued for another week.

Solicitor for the debtors, *S. Tilley.*
Solicitor for the landlord, *Geo. Serrell.*

(Before Mr. Registrar MURRAY.)

The business of the Chief Judge.

July 6.—The REGISTRAR, on taking his seat, mentioned that the Chief Judge would not sit there that day, but he had signed an order by which he delegated to the registrars of the London Bankruptcy Court, or each or any of them, the several powers vested in him by the Act of 1869, and the general orders—except the power to commit persons for contempt of court; to hear appeals from the county and other courts under section 71 of the Act, or to hear cases where a trial by jury was asked for under section 72. With those exceptions his Lordship had empowered the registrars to dispose of the whole of his business.

Reed.—I presume that questions of law will still be determined here.

The REGISTRAR.—Yes.

R. Griffiths said that he had a notice of motion under the 72nd section for a trial by jury, and he wished to know before whom it would be argued.

The REGISTRAR said that it would come before the Chief Judge.

Bagley.—I presume that appeals from the county courts, and other matters which are reserved for his Lordship's decision, will be taken on some appointed day in the week when it may be convenient for the Chief Judge to sit here.

The REGISTRAR said he presumed some such arrangement would be made. He had come down that morning without knowing that his Lordship would not be present; and the order had only just been placed in his hands.

It is understood that the registrars will continue to attend the court in rotation as hitherto.

In re James Hardman Cotterill.

This was a proceeding under a liquidation petition presented on the 27th ult. The debtor is the brother and partner of the Mr. W. H. Cotterill, of 33, Throgmorton-street, who recently absconded, and has since been made bankrupt.

Reed, on behalf of a creditor, asked for the appointment of a receiver of the estate, with a view to an interim injunction being granted to restrain the proceedings of hostile creditors until after the meeting of creditors which was appointed for the 27th inst. The debtor's brother, W. H. Cotterill, had absconded; and a petition for adjudication had been filed against him, under which Mr. Waddell, accountant, of the Poultry, had been appointed trustee, and was now engaged in investigating the affairs of the firm. The debts owing to the firm were very considerable; the clerks were now making out the bills of costs; but as proceedings had been taken against the debtor, it was asked, for the protection of the property, that Mr. Waddell, the trustee under the bankruptcy of W. H. Cotterill, who was thoroughly conversant with the affairs of the firm, should be appointed receiver under this petition.

Mr. Herbert, the solicitor for the debtor, concurred, and the appointment was made.

The liabilities of the debtor are the same as those of the firm, which have been stated at upwards of £100,000.

COUNTY COURTS.

FROME.

(Before C. F. D. CAILLARD, Esq., Judge.)

June 21.

Ancient Society of Foresters—Dissolution—Acquiescence.

In this case, which was heard in April last, Mr. Caillard now gave judgment as follows:—

The substantial object of this application is to set aside a dissolution, or attempted dissolution, of the society, and a consequent distribution of a large part of the funds amongst its members, and the transfer of the surplus to a new society. Court 1960 is a registered friendly society under the Act of 1850 (13 & 14 Vict. c. 115), and as such entitled to the privileges of the Act of 1855 (18 & 19 Vict. c. 63), under the provisions of which the present proceedings were taken within a period excluding the effect of the 3rd section of the Act of 1860 (23 & 24 Vict. c. 58). The enactment, therefore, directly bearing upon the dissolution in question is the 13th section of the Act of 1855. [His Honour read the section.] The reference contained in the last few words is to the 41st section. The first rule of Court 1960 provides

"That it shall form a court, or branch, in conformity with, and amenable to, the general laws of the above order, as registered under the Friendly Societies Act, and have for its objects the establishment of a fund, as provided in this code of laws, for relieving its sick members, burying its dead, relieving the members of the order compelled to travel in search of employment, and assist in the management of the general body of the above-named order, as provided in and subject to the general laws registered under the Friendly Societies Act."

The rules themselves do not provide for dissolution, beyond this that the 2nd rule requires "if a dissolution of a court takes place" that notice shall be sent to the Registrar of Friendly Societies within seven days, etc. Of the general laws of the A.O.F. the only one to which my attention has been called, and the only one, I believe, which it is necessary to take into consideration, is the 49th. It provides—

"That each court shall make its own rules for the government thereof, provided always such rules are in accordance with the general laws of the order, and if in district, with the rules of the district to which it belongs; but it shall be imperative upon every court to establish sick and funeral and management funds. Any court neglecting so to do shall be fined £1 1s., to be paid to the funeral fund if in district, if not in district to the high court fund, and suspended from the order until the fine be paid. Nor shall any such court be eligible to any assistance from either district or high court fund, in the event of its falling into decay. They shall fix (in their rules) the amount to be paid by members as contributions to each fund, and the amount to be allowed as benefits. The account of each fund shall be kept separate and distinct; and any court appropriating any portion of the sick and funeral fund for any other purpose than paying the sick or burying the dead, shall be expelled the order. It shall not be lawful for a court to divide its funds, or any part thereof, which shall be devoted solely to carry out the objects of the society. Any court doing so shall be expelled the order."

Such are the principal enactments and rules which affect the present question.

The facts are these:—A meeting of Court 1960, "for the purpose of special business," was convened by circular letter for the 5th July, 1869. At the time the capital of the society was about £1,300. The meeting was held. The number of members was then 152, of whom 90 were present. What took place is expressed by the following circular letter sent by the secretary, the defendant G. Cross, in pursuance of a resolution to that effect, to those members who did not live within a certain distance of the meeting-place of the court:—

"At a special meeting on Monday the 5th day of July it was decided by 83 for it, 7 against, majority 76 "to give a bonus of 10s. per year to every member of this court for every year he has been a member, and that would leave in hand £550 and upwards to carry on the society."

The plaintiff was present on this occasion and voted with the minority. According to Mr. Cross's evidence, he, as secretary, received answers from all the members to whom he wrote, and of whom (he says) only one dissented. As he received the answers he signed the "Paper for signature" for those who answered in the affirmative. He says further: "Members who lived within an easy distance came in and signed. I afterwards sent to Mr. Tidd Pratt an agreement signed by nearly nineteen-twentieths of the members in value on the whole votes of all the members." Now, as I understand the matter, the "agreement" which was sent to Mr. Tidd Pratt, is the one dated the 28th October, 1869, to which I shall presently refer, and is not the "Paper for signature" referred to by Mr. Cross. That paper is dated July 5th, 1869, and is in these words:—

"We, the undersigned members of the above society, believing there is a surplus of capital and that it would be for the good of all the members for the trustees to give a bonus of 5*s.* per half-year to every member for every half-year or

part of a half-year he shall have been a member, we hereby give them full power to take what measure is necessary to carry out the same in accordance with the special meeting and the Friendly Societies Act, s. 13 of 18 & 19 Vict. c. 63."

This "paper" appears to have been written on the "other side" of the following document:—

"For the bonus or the division or appropriation of the funds the measure for the trustees and officers to pursue is to dissolve this society by giving every member according to the agreement on the other side, and to make adequate provision for every member by forming a new society with a capital of not less than £550, and each and every member shall have equal share and benefit both with regard to contributions and sick and funeral pay as if this society had not been dissolved."

Subsequently, meetings of the society took place in September and October, 1869, at which, or some of them, the framing of the rules of the new society was discussed and a resolution was passed for payment of £800 out of the savings bank, by means of a cheque, in order to the distribution of that sum. Upon the evidence before me I am of opinion the plaintiff took no such part in them as that he can be said to have acquiesced in what was done or resolved. I have no hesitation in saying that even if he had taken a very different course from that which I believe he took, and had up to the 26th, or even to the 28th October concurred in the proposed dissolution and division, it was competent to him as well on the latter, as it was on the former day, to protest against what he believed to be illegal, and to refuse accepting his allotted share of the £800, and signing the agreement. On the 26th, at all events, he had come to the conclusion that the paying away the money was illegal, and he so stated to the secretary.

I may as well here dispose at once of the whole question of that alleged "acquiescence" by the plaintiff, which it has been urged by the defendants is a bar to the relief now sought by him. He was not present at the so-called meeting of the 28th October, he has never accepted his "bonus money," or share of the distributed fund, he never signed the agreement. On the 10th November, 1869, a meeting of the trustees was held, and a resolution passed to send by post a written notice of the first meeting of the "new society" to the "dissentients," of whom the plaintiff was one, and was treated as one. He received this notice. He attended what has since been designated as "the first meeting of the new society" on the 15th of November, a regular meeting night of the "old" society, but on that very occasion the bonus money was tendered to the plaintiff and he refused to accept it. True it is the plaintiff has paid either one or two subscriptions since then, but to say he did so to the new society is begging the question. The defendants would place the plaintiff in this dilemma. If he did not pay any subscription, then it might be said he had forfeited his membership even in Court 1960, or at least all benefit accruing to him as one of its members; and if he did pay, then that he paid to the "new society." It is consistent with his case to have treated Court 1960 as subsisting, since it was never (he says) legally dissolved, and so have paid his subscriptions. Furthermore, the plaintiff has signed no list of members of the "new society," and cannot be bound by the insertion of his name on the list without his concurrence; and the receipts from him for his payments since October, 1869, are signed by the defendant, G. Cross, the secretary of the "new society," on the same "member's contribution card," and precisely in the same manner as the receipts given by him to the plaintiff for payment before that time. On the whole, I am of opinion that the defendants have failed to make out against the plaintiff a case of acquiescence by him. The 28th October was the day for the annual dinner of Court 1960, and the "special meeting" on that day was convened by an endorsement on the dinner ticket. The endorsement is this:—

"The bonus or the division or appropriation of the funds will be given the same day between 10 and 2 o'clock."

"Dissolution" is not mentioned, nor "surplus."

The dinner took place. The trustees divided the money, reserving the shares of the three dissentients. The resolution for dissolution was passed at ten in the morning, and the paper (the one sent to Mr. Tidd Pratt as an agreement) was signed afterwards.

This is the agreement in question:—

"Ancient Order of Foresters, Court Selwood Forest, No. 1960.

"We, the undersigned members of the above society, believing that it would be for the benefit of all members for the the court to be dissolved, and a division of the funds made, by giving to every member at the rate of 5s. for every half-year, or part of a half-year, he shall have been a member, and the same having been carried at a special meeting, hereby agree to and vote for the dissolution of the said court and the appropriation of the funds thereof, at the above rate, and empower and request the trustees and other officers to take the necessary steps for carrying out the same in accordance with the Friendly Societies Act.—October 28th, 1869."

On the 15th November, as already mentioned, the so-called first meeting of the "new society" took place,—the new rules were passed, a resolution for handing over the documents, etc., was put and carried, a new account was opened, but, says Mr. Cross, "the new accounts were written on the old books for economy's sake." The dissentients having been tendered and having refused the amount of their shares under the distribution, this amount was put into bags and sealed up, and handed over to the secretary. The surplus of about £550 has, I understand, been transferred to the trustees of the "new society." Then, according to the evidence of the defendant Charles Payne:—

"We provided for the sick from the funds of the new society. He is entitled under the new rules to the same benefits as he would under the old. There is a sick and management fund. I cannot say the amount. This applies only to those members of the old society who pay their contributions to the new. All the sick members have come into the new society."

The rules of the "new society" were certified by the Registrar on the 20th November, 1869. No certificate of membership in the new has been issued to those of its members who were such in the old society. Court 1960 has been expelled from the Ancient Order of Foresters.

Upon a careful review and consideration of the facts and of the enactments, laws, and rules bearing upon them. I come to the following conclusions:—The plaintiff is entitled to apply to the judge of this court for relief under the Act of 1855, and would have been entitled, but of course with a modification of the relief to be obtained, even assuming "Court Selwood Forest 1960" to have been legally dissolved. It cannot be imposed upon any member of a society that in order to become entitled to an adequate provision out of its funds he shall enter into a new or other society. The plaintiff's claim, then, has not been satisfied, nor has adequate provision been made for satisfying it. I hold, moreover, that the omission to provide for the claims of dissentients otherwise than by means of the new society is fatal to the whole of the proceedings for the division of the funds of Court 1960. The words and meaning of the 13th section in this respect are clear:—

"It shall not be lawful in any society to direct a division or appropriation of any part of the stock thereof, except for the purpose of carrying into effect the general interests and objects declared in the rules as originally certified, unless the claim of every member is first duly satisfied, or adequate provision be made for satisfying such claims."

The distribution of the bonus of 10s. amongst the members is assuredly not, nor is the appropriation of the £550 surplus to the new Society, a carrying into effect of the general objects of the rules as originally certified. The effect of the first rule of Court 1960 was to incorporate with its own rules the general laws of the Ancient Order. The distribution of a large or any part of the funds amongst the members was a direct violation of the 49th general law, such as would expel the subordinate court committing it from the order, and would deprive the former of the benefit of its association with the latter, and thus also lead to the breach in the letter and in the spirit of the first constituting rule of the subordinate court itself. Of such results any member of Court 1960 might well complain, and he might well think that his claims were not duly satisfied, and that no adequate provision was made for them, if all this was to be effected by his having to enter against his will into a society formed from the *débris* of the original society, and *ipso facto* debarred from association with the Ancient Order of Foresters. It is unnecessary in the present case to say whether a society may by its rules restrict the enabling effect of the 13th section of the

Act of 1855 as to dissolution and division of funds. It may be, and I incline to think that additional restrictions not clashing with the intent and drift of that section, might be imposed. I think, however, that in the face of that section, no society could by its rules make itself indissoluble, or consequently prescribe that there should be no division of its funds even if the special provisions of the 13th section on this subject were complied with. To my apprehension, these provisions are for all beneficial purposes very similar to those of the 49th rule of the Ancient Order. It follows, then, that (so to put it) the conditions necessary for rendering illegal the division exist—First, it has been directed and made *not* "for the purpose of carrying into effect the general interests and objects declared in the rules as originally certified;" secondly, neither has the claim of every member been first duly satisfied, nor has adequate provision been made for satisfying such claims. I am further of opinion that Court 1960 has not been disolved under section 13 of the Act of 1855, for these reasons—1st, The power to be dissolved is to be exercised at some meeting thereof to be specially called in that behalf. The endorsement on the dinner ticket intimating that the bonus would be distributed can scarcely be called a proper notice of such a meeting, but points to a foregone conclusion. I am inclined also to think (but I think it unnecessary expressly to determine) that the Act might reasonably be taken to mean the special meeting should be announced in accordance with such provisions as those might be in that behalf in the rules of the society. It does not appear that any one of the meetings touching the dissolution was convened in compliance with the 9th rule of Court 1960. Not only are the votes of consent of five-sixths in value of the members to be obtained for a dissolution but also the consent of all persons then receiving or entitled to receive any benefit from the funds of the society, unless the claim of every such person be first duly satisfied, or adequate provision made for satisfying such claim. The observations which I have made in this respect as to the division of the stock apply to the dissolution. No person entitled to be so satisfied, or provided for, is to be compelled for that purpose to enter into a new society. The intended appropriation or division of the funds is not fairly and distinctly stated in the agreement of the 28th October, 1869. That is the agreement to which the votes of consent were given, and which was transmitted to the Registrar of Friendly Societies; it is the agreement upon which the defendants rely. It mentions only that a division of the funds is to be made by giving to every member at the rate of five shillings for every half or part of a half-year he shall have been a member, and is wholly silent as to any surplus and its appropriation, thus suppressing the fact that the surplus of £550 was to be carried to the credit of the new society, and leaving that sum, so far as the agreement is concerned, wholly unappropriated. I must here observe that the plan adopted for obtaining the votes of consent is not to be approved of. On giving his vote and a receipt, every member consenting had the bonus placed in his hand, well knowing that thus it would be if he consented. The only wonder is that any one member was found who resisted the temptation of so immediate a benefit. The obtaining votes in this way (even taking into account for what they are worth the antecedent meetings and proceedings) is contrary to the true spirit of the 13th section. I am clearly of opinion that the agreement in question is no agreement for dissolution within the section, from the omission to state upon the face of it the intended appropriation of the surplus of £550, and therefore did not operate as a statutory discharge or release to the defendants. This omission is not "a slight informality;" and I am of opinion that unless an agreement transmitted to the Registrar, and deposited by him with the rules of the society be such an agreement as is otherwise directed by the 13th section, neither the production of the agreement, nor the statutory declaration prescribed by the Act, nor the deposit with the Registrar, nor the insertion and production of the advertisement in the *Gazette*, can render that valid which is otherwise invalid both in form and in substance, or be (as was contended by the learned counsel for the defendants) "indisputable proof that the society has been dissolved." To borrow the words of the clerk from the Registry Office who produced the *Gazette* and other documents, "there is no means for the Registrar to ascertain whether the requisitions of the Act have been complied with. If there is anything wrong on the face of them, the papers are refused." In this particular instance the intended appropriation of the £550 does not appear upon the agreement. Whilst to my mind the reasons already stated against the validity of the dissolution and distribution are neither technical nor narrow, there is one, I think, which is wider, and to which I attach most weight. It is this—the whole scheme in furtherance of which the alleged dissolution was brought about was a mere contrivance to keep the society practically still together, but to elude and break the 49th of the General Laws, and in spite of it to obtain a partial distribution of the funds, under cover of the 13th section; and in equity this is a "fraud" upon that enactment of the statute. Under that statute the judge has the most ample powers for dealing with a case of this kind. There has been no valid dissolution of Court 1960, and no valid division or appropriation of its funds. The Court, then, is still subsisting, and the whole of the funds improperly distributed and appropriated belong to it. These funds must be restored. The defendants must be restrained from dealing with any part of the funds, and be removed from their post in Court 1960. New trustees of that society must be appointed, in whom its funds must be duly vested, and all necessary and proper accounts must be taken. The plaintiff must have his costs on the equity scale, all other directions as to costs must be reserved. The best plan will be for the registrar to draw up the minutes of an order in accordance with my judgment, and that the parties should have an opportunity of speaking to me upon the minutes.

APPOINTMENTS.

Mr. Edgar J. Meynell, barrister-at-law, of the Northern Circuit, has been appointed, by the Home Secretary, recorder of Doncaster, in the room of Mr. W. Blanshard, judge of the Newcastle County Court, who has resigned the recordership. Mr. Meynell was called to the bar at the Middle-Temple in May, 1852.

Mr. Francis Willowes Topham, solicitor, of West Brom wich, Staffordshire, has been appointed deputy coroner by Mr. Edwin Hooper, solicitor, of Tamworth, one of the coroners for Staffordshire, in the place of Mr. Charles Bayley, resigned, and the appointment has been confirmed by the Lord Chancellor. Mr. Topham was admitted in 1865, and is a member of the Solicitors' Benevolent Association.

Mr. Thomas Benyon Ferguson, barrister-at-law, of the Bombay bar, has been appointed clerk and sealer of the Court for the Relief of Insolvent Debtors at Bombay, in the room of Dr. R. B. Barton, barrister-at-law, who has resigned the office. Mr. Ferguson was called to the bar at the Inner Temple in April, 1863, and formerly practised on the Midland Circuit.

Mr. Charles Peile, solicitor, of Bombay, (firm, Hearn, Cleveland, & Peile), has been appointed to act as Government solicitor and Public Prosecutor at that presidency during the absence of Mr. R. V. Hearn, who has obtained leave of absence to Europe for six months. Mr. Peile was admitted an attorney in 1858, and holds the office of assistant-registrar of the diocese of Bombay.

PARLIAMENT AND LEGISLATION.

HOUSE OF LORDS.

July 1.—*The Judicial Committee of the Privy Council and its Arrears of Business.*—Lord Westbury moved an address praying her Majesty to make immediate provision for the more rapid despatch of business by the Judicial Committee. The ordinary courts of justice in the kingdom, though some of them had power under Acts of Parliament of serving process abroad, had no jurisdiction beyond the limits of the United Kingdom, not even over the Channel Islands, all our possessions abroad falling for the administration of justice under the prerogative of the Crown. Thus for India, Canada, Australia, New Zealand, our South American settlements, and every foreign possession, even down to our consular ports, the final determination of causes rested with the Queen in Council. The importance of the constitution of a tribunal exercising jurisdiction over such immense territories and so many millions of people could not be over-estimated. Within the last twenty years the amount of business coming before the Judicial Committee

of the Privy Council had been augmented tenfold, and the appeals were likely to increase with the increase of wealth and commercial relations. Through the whole of our colonial empire the inhabitants felt great confidence in this final tribunal, and the necessity of resorting to it formed a bond of union with the mother country. The appeals now waiting to be heard before the Judicial Committee numbered 350, and in Bengal alone 150 additional appeals were in preparation. These Indian appeals raised questions of the most intricate character, the law itself being very difficult to understand. There were two great codes or divisions of the law, the Hindoo and the Mussulman, the former having at least five different schools, and the mastery and certain administration of the latter being likewise extremely difficult. Both, moreover, were in a great measure founded on religion and religious usages, which the people adhered to with much pertinacity. Hence, the administration of a law founded upon these religious institutions and observances was a most difficult duty, the neglect of which, or the entrusting it to incompetent or inexperienced hands, might influence the people in a manner the consequences of which would be most momentous, and the people would have no confidence in our tribunal if it consisted solely of judges taken from our own courts. They desired to have judges who had been among them, controlled and guided by the most eminent judicial authorities at home. Of these 350 appeals, 267 were from India. Deducting one-fourth, both of the 267 and of the 150 others in preparation, as the proportion likely to be dropped or abandoned, 300 appeals were waiting to be heard from India alone. One appeal seldom lasted less than an entire day, many occupying longer; so that India alone would find occupation for a court sitting throughout the judicial year of 140 days for more than two years to come. The appeals from our other possessions up to the same date were 90, including those from the Admiralty and Ecclesiastical Courts, and, though some would require no great time, their shortness would be abundantly counterbalanced by the time required for the ecclesiastical appeals, which had greatly increased in number. To this business, therefore, less than another year could not be assigned. Thus there were materials for the occupation of the Court for more than three years. The consequence of this block, and of the inability of the Court to deal with new appeals as promptly as the proper administration of justice would require was that a premium was given to every litigant who could afford to give security for £400 to enter an appeal in any case in which he might have been defeated, for the purpose of delaying or wearing-out his adversary through the time and expense consumed in the litigation. This state of things, which was surely a national disgrace, had partly arisen from circumstances beyond control. Illness had deprived the Judicial Committee of many efficient members, and death had lately deprived it of probably its most efficient member—Lord Kingsdown. It was necessary to supply these losses by the appointment of judges who would command the respect and willing submission of the various communities who looked up to them for final decisions. It would be impossible to invoke the aid of this House in disposing of any of these arrears, for the colonies would regard it as unconstitutional to have their cases heard before this House, desiring to adhere to the prerogative of the Crown, to which they had been in the habit of looking. The Lord Chancellor had proposed the creation of a new appellate jurisdiction in connection with the High Court of Justice, but he feared the bill might not be successful in another place. It proposed a new court, consisting of the Lord Chancellor, the Lord Chief Justice, four Justices of Appeals, four Lords Justices, and an addition from time to time of three puisne judges from the other courts. He would press the Government to create at once those additional Judges of Appeals and add them to the Judicial Committee, which could then be divided into two sections, one sitting every day throughout the legal year and attending exclusively to Indian business, the other devoting itself to the remaining business. This was the only way he saw of clearing off the arrears—he hoped, in two years. But he warned the Lord Chancellor that to find efficient men he must offer much larger salaries than he proposed in the bill. It would not do to have a "cheap and nasty" article for this purpose. The Court must consist of men commanding general respect and submission. He found by a former return that the Judicial Committee had now before it an untouched arrear of cases for at least four years, one appeal only having been heard from a decree delivered in 1866, and none from decrees delivered in 1867, 1868, or 1869. On a question so closely affecting the national honour and the welfare of our colonial empire, he hoped the Government would take prompt measures to meet an evil which was universally admitted. He had endeavoured to ascertain whether it was possible to meet it by redressing any mismanagement or maladministration in the local courts, especially in India, but he saw no possibility of making any change there which would diminish the amount of appellate business. The courts in India underwent a great change in 1862; but at Calcutta alone there were at least sixteen courts in the full discharge of their duty, from whose decrees appeals might be brought. Of late years, undoubtedly, care had been taken to improve the position of the judges in India, and we might hope that hereafter there would be a greater disposition to be satisfied with their decisions; but this would be more than counterbalanced by the progress of commercial activity and wealth, especially in the central provinces, Oude and the Punjab, and the north-western provinces, which would entail a corresponding amount of litigation. He saw no means of fulfilling our obligations in this matter, except by constituting two divisions, and enabling them to sit throughout the legal year. At present the Judicial Committee sat only a portion of the legal year, through its not being provided with a regular staff of judges, and these arrears had consequently arisen.—The Lord Chancellor said he had already given instructions for the preparation of a bill which he proposed shortly to introduce. The same idea occurred to him of strengthening the existing Judicial Committee, and dividing it into two sections. The constitution of the Judicial Committee was not altogether that which practice had shown to be most desirable. It consisted of the Lord Chancellor and all the judges of our higher Courts who were Privy Councillors, these being usually the chiefs of the three common law courts, the Lords Justices of Appeal, the Master of the Rolls, and the judges of the Divorce and Admiralty Courts if, as was usual, they were Privy Councillors. Most of these persons being engaged in other judicial duties requiring all but their constant attendance, they had little leisure for attendance on the Judicial Committee, and it was therefore by no means easy to secure a quorum. To that section of Lord Brougham's Act which provided that retired English judges, being Privy Councillors, should be members of the Committe we had been indebted for some of its regular and able attendants. Of late years, however, more than one had retired from age or infirmity. The only means provided by the Act of reinforcing the Committee was the power given to the Crown by sign-manual to appoint two members, and the two thus appointed had been very assiduous members. Sir James Colvile, formerly Chief Justice of Calcutta, last year sat seventy-four days—Sir Joseph Napier attended fifty-five times. The limitation in the number of members to be appointed by the Crown was most uncalled for, and he proposed to make this power unlimited with regard to any persons who had held judicial positions in the colonies or this country, or to any barrister of a certain number of years' standing who might be a Privy Councillor. To this he looked forward as likely to furnish several eminent members. Perhaps the most eminent man who had sat on the Committee since its formation was Lord Kingsdown, who had never theretofore held any judicial position, and by abolishing the restriction both as to number and as to the having previously filled a judicial position, he saw no difficulty in constituting a Committee which could divide itself into two sections. Without desiring to deny or palliate the arrears in Indian cases, they were largely attributable to the necessity of translations of all the evidence and documents used in the case being sent over from India prior to the hearing of an appeal. He was informed that the non-arrival of the transcripts was one great cause of no appeal later than 1866 having been heard. The transcripts for the last two years had not yet arrived, and even when they did arrive there was considerable difficulty in forcing the cases on for hearing, for out of the 250 provided with transcripts only thirty-seven were set down to be heard, eleven of these being set down *ex parte*. He was bound, however, to add that a larger number would have been set down had not these thirty-seven been already down, which seemed as many as were likely to be got through in the current year. Still, there was wonderful dilatoriness in bringing these matters to a hearing, and still greater delay

occurred in India with regard to the transcripts. Considering that only thirty-seven Indian and twenty other cases were down for hearing, the arrears, though considerable, were not alarming. He hoped steps would be taken in India which would diminish the appeals. He had learnt from Sir Barnes Peacock, an eminent judge just returned from India, that at Calcutta only such passages of the evidence given and documents used in the lower courts as the parties might desire to interpret came before the Supreme Court, so that with such partial information one could not wonder at appeals being numerous, and at the decisions of the court being sometimes reversed. (*The Vacant Lord Justiceship.*) His Lordship proceeded to explain that in November last he did not recommend the Government to fill up the vacant Lord Justiceship, on account of the contemplated changes in the constitution of the courts, there being, moreover, thirty-three appeals waiting to be heard, all of very recent date. Lord Cairns, when appointed Lord Justice in 1868, found ninety appeals awaiting hearing, the oldest being eighteen months; but before the Long Vacation he disposed of 133 appeals, including all the new ones which had arisen, leaving only thirty-three at the following Michaelmas Term. Considering how eighteen months' arrears had been thus disposed of, it appeared to him that with the assistance of Lord Justice Giffard he should be able to keep the appeals down to the present time, in which expectation he had not been deceived; for, notwithstanding the recent illness of Lord Justice Giffard, and notwithstanding that one case had lasted eleven days, there were now only forty-six cases, the oldest being not quite four months old. Of course, now that Lord Justice Giffard was unable to attend it was necessary to fill up the vacancy, which would result in an accession to the Judicial Committee likewise, and he trusted that the bill about to be introduced would enable that body to keep down arrears which, though discreditable, were not quite so discreditable as Lord Westbury supposed. Under these circumstances, he hoped the House would not think it necessary to agree to the address.—Lord Romilly regretted that the Lord Chancellor proposed merely to patch up the present system. The Judicial Committee discharged most important functions, affecting the interests of communities in all parts of the world, yet not a single penny had ever been paid to one of those judges. There could not be an efficient tribunal without fixed judges, fixed duties, and liberal salaries. It was not desirable to appoint judges who had retired from their own courts through infirmity, but to secure new and young men, and to pay them accordingly. The Supreme Court at Calcutta, moreover, not having the entire evidence before it, had no fair opportunity of reviewing the original decision. That it had not the confidence of the public there was shown by the fact that since 1862 the appeals from it had increased enormously, upwards of 600 having come from that Court alone in seven and a-half years, while in the rest of India and in our other dependencies there had been no material increase. This was not the fault of the Court or of the judges, but because it had no opportunity of discharging its functions properly. Additional judges were wanted there, and a greater power of obtaining documents. He concurred in the recommendations of Lord Westbury that a court should be constituted specially for these appeals, with proper salaries, with the addition of as many retired judges as might be thought fit. Appeals were at present limited, on account of the delay and expense involved, to cases where the property in dispute exceeded £1,000 in value, so that whatever injustice might be done in minor cases there was no appeal. Security for costs to the extent of £400 had also to be given. With regard to thirty-seven having been set down for hearing, if these were disposed of to-morrow, the remaining 195 in which the transcripts had been sent over would rapidly be brought on; but it was not thought necessary to employ counsel and deliver the brief until there was a prospect of an early hearing. He trusted that the Government would grapple with the evil in an energetic manner. —Lord Halifax had been Secretary of State for India at the time the Act constituting that court was passed, and all he could say was that the judges of the High Court ought to have the power of sending for any documents which he might require.—Lord Cairns said were our own courts in the same state as those in which Indian cases were determined the force of public opinion would be so great as to compel the Government to take steps within twenty-four hours to remedy the evils that existed. One of the most real and tangible points of connection between the mother country and the colonies remaining unsevered was the right of the colonies to bring their judicial proceedings by way of review before her Majesty in Council, and that was a right which was deeply appreciated by the colonies at present, and which they would be sorry to surrender, but which they would be bound to surrender if they believed that it had become a mockery and a delusion. He had not the least doubt that the bare statistical fact as to the number of appeals in arrear, as stated, was strictly accurate, but the House must not be deceived about the matter. The mischief was that when the number of appeals in the Judicial Committee amounted to 100 or 150, the arrears could not be wiped out in less than a year or two, no matter by whose fault those arrears had accumulated, and therefore there was a solid barrier interposed to the progress of further cases which might be coming forward. When once a certainty existed that no fresh appeal could be heard for some years a premium was offered to unsuccessful suitors in the Indian courts to appeal, because, taking into consideration the high rate of interest in India, it became worth while, as a mere commercial speculation, to delay the payment of the money for two or three years by appealing to the Privy Council, even if it had to be paid eventually. With the amount of arrears that at present existed there was practically no appeal whatever from the Indian courts to the Privy Council, and therefore some of those who might think that they had good grounds for appealing chose to suffer wrong rather than subject themselves for so long to uncertainty. He hoped the Lord Chancellor would consider well, before he attempted to carry his suggestion into effect, whether the division into two courts was the best that could be proposed. There was great danger of creating by that means two weak courts in the place of one strong tribunal. Moreover, the number of counsel who had devoted themselves to the study of Indian law before the Privy Council was extremely limited, and therefore great mischief would result from the division of the business, because counsel could not be in two places at once. Would it not be a more desirable course to strengthen the existing tribunal as much as they could by making it worth the while of those who now formed it to sit constantly like any other Court, instead of merely sitting as they now did for a few weeks in each year.—Lord Westbury wished for a distinct promise that immediate action would be taken in this matter. It had been said there were only thirty-seven appeals waiting for hearing; but there were 260 appeals from India alone, the transcripts of the records of which had been already transmitted. The number on the paper was thirty-seven; but solicitors would not enter for hearing appeals which there was no probability of getting heard, because when they did so large sums of money had to be paid with briefs, and so forth. The parties to no fewer than 260 appeals were at present debarred from obtaining justice. The evil was a crying one, and it ought not to be trifled with or delayed. His own suggestion for a division of the court was only a temporary expedient, intended to last until the arrears were cleared off. He proposed that there should be a sub-division, and that the Indian appeals should be taken by one sub-division. For that there was at present sufficient judicial power, and there was also a sufficient number of barristers ready and willing to attend the court.—The Lord Chancellor said his bill was in course of preparation, and it would hardly be necessary for him to enter into the details of the measure at present. In the division of business, his idea was to have one division hearing appeals from India, the other appeals from the Admiralty and Ecclesiastical Courts. The same set of counsel did not usually attend to those two classes of cases.—The Duke of Argyll believed that steps might be taken which would have the effect of limiting the number of appeals from India. He believed the only difficulty in the way of supplying the supreme court with all the documents arose from the expense of translating documents used before the district courts.—Lord Westbury said that after the statement of the Lord Chancellor he would not press his motion.

The *Ecclesiastical Titles Act Repeal Bill.*—Committee.—Lord Cairns said that if they were to repeal the whole of the Ecclesiastical Titles Act, without carefully explaining that the declaration as to the state of the common and general law of England, was not meant to be departed from, they might give rise to serious misapprehension out of doors, where it might be thought that Parliament had changed its mind with regard to the truth and propriety of

those declarations. In repealing the penalty clauses of the Ecclesiastical Titles Act, therefore, they ought to be very cautious not to fall into that danger, and to show on the face of their legislation that the declaration which accompanied those penalties in that Act were well founded and still continued in full force. He wished to preserve all that was valuable in the substance of the declaration embodied in that Act, and while removing penalties imposed on the use of ecclesiastical titles, which were intended merely as titles of office, and not as titles of authority, honour, or dignity, still to maintain that established law of this country, which was to the effect that all titles of dignity, honour, and authority flowed from the Sovereign alone, and that it was not in the power of any person other than the Sovereign of these realms to confer such titles. He moved an amendment to the preamble and to clause 1, which was accepted by the Earl of Kimberley and agreed to.

The *Benefices Bill.*—The Duke of Marlborough proposed the second reading. He did not deny that the bill would interfere with what was called a right of property. Lay patronage was desirable, but it was not possible that a clergyman who bought his benefice should stand in the same relation to his parishioners, as one presented from no pecuniary consideration.—Lord Cairns said his doubts were not removed. If ever the time arrived when, by proper means, and without violating any rights, the whole system as to the sale of advowsons and next presentations could be done away with, nobody would rejoice more than himself; but before the House assented to the second reading they ought to be clear as to the difference between advowsons and next presentations. The latter seemed to him the most valuable part of the former, and to take away from the owner that which, if he wished to realise his property, would be one of its most valuable portions, was like cutting off three-fourths of a loaf of bread and insisting that it was no interference with the ownership of the loaf. The House should give a little more consideration to the matter before it agreed to the principle of the measure.—The Archbishop of York approved lay patronage. He looked, however, on the possession of an advowson as rather an ornament to property than property itself, and though an advowson was necessarily liable to be sold, it did not follow that the sale of next presentations should be permitted. He strongly approved the principle of the bill, as it left intact the right of the laity to present, and prevented presentations from being bought and sold.—The Marquis of Salisbury did not approve of speculation in livings, but queried the justice of their interference with property.—The Bishop of Gloucester and Bristol approved the bill.—Lord Romilly said if under the bill the sale of an advowson would carry with it the next presentation, the only effect would be that advowsons would be sold instead of next presentations, if otherwise the bill was simply taking away property.—The Bishop of Winchester supported the bill.—The bill was read a second time.

The *Sequestration Bill.*—The Bishop of Winchester said that rather than that the bill should not pass he would, though reluctantly, accept Lord Cairns' amendments under which an appeal was given from the Archbishop to the Judicial Committee of the Privy Council. He accordingly introduced amendments, which having been assented to, the bill was read a third time and passed.

The *Resignations of Benefices Bill.*—Report of amendments.—The Bishop of Winchester added a clause providing for cases of lunacy.

The *Married Women's Property Bill* was, on the motion of Lord Cairns, referred to a select committee.

July 6.—Earl Shaftesbury withdrew the *Ecclesiastical Courts Bill.*

The *Irish Land Bill.*—Report of amendments.—The Duke of Richmond added an amendment rendering it illegal for the tenant to let in conacre after prohibition.—Earl Granville moved to annul a previous amendment preventing the tenant's assignee from claiming improvement compensation unless he had been accepted by the landlord, and proposing to insert a clause subsequently defining the tenant's rights in case of assignment. Agreed to.—Lord Bessborough carried, by a majority of 130 to 48, an amendment restoring the £100 limit (instead of £50) as the limit above which disturbance compensation is not to be claimed. In the clause which originally provided that all improvements should be deemed to have been made by the tenant, and which Lord Clanricarde subsequently amended so that claims, whether made by landlord or tenant, must be proved in evidence, Earl Granville added an amendment, declaring that improvements should be deemed to have been made by the tenant except in certain cases defined by the Government in six new sub-sections. The report of amendments was received.

The *Medical Act* (1858) *Amendment Bill* was read a third time and passed.

July 7.—The *Ecclesiastical Dilapidations Bill* was read a third time and passed.

HOUSE OF COMMONS.

July 4.—The *Extradition Bill* passed through committee, the Attorney-General having added a clause to meet the view of Mr. McC. Torrens, providing against the delivery up of political offenders.

The *Charitable Funds Investment Bill* and the *Rents and Periodical Payments Bill* were read a third time and passed.

The *Benefit Building Societies Bill* was read a second time.

July 5.—The *Attorneys and Solicitors Remuneration Bill*—The Lords' amendments were agreed to.

July 6.—The *Poaching Prevention Act Repeal Bill* was thrown out on the second reading, by a majority of 140 to 62.

The *Sunday Trading Bill.*—The second reading was proposed by Mr. T. Hughes and opposed by Mr. P. A. Taylor.—Carried by a majority of 109 to 64.

July 7.—The *Real Estate Succession Bill*, the *Married Women's Acknowledgment of Deeds Bill*, and the *Mortgage* (No. 2) *Stamp Duty Bill*, were withdrawn.

The *Clerical Disabilities Bill* passed through committee.

FOREIGN TRIBUNALS & JURISPRUDENCE.

AMERICA.

Liability of Telegraph Companies for Errors in Transmission of Messages.

The *New York Daily Transcript*, of 18th June, prints a lengthy report of an appeal case of *Leonard and Burton* v. *The New York, Albany, and Buffalo Electro-Magnetic Telegraph Company*, in which the plaintiffs, manufacturers of salt at Salina, had an agent at Chicago and another at Oswego, the shipping port for their salt. Their agent at Chicago telegraphed their agent at Oswego, to send 5,000 sacks of salt to Chicago immediately. The defendants, a telegraph company, over whose line the telegram came, and who delivered it to the plaintiffs' agent at Oswego, by the carelessness of their servant, wrote *casks* for "*sacks*," the cask containing more than 20 times as much as the sack. On the arrival of the salt at Chicago, there was no market for it, and it was stored by the plaintiffs' agents at their expense, and was finally sold at less than the market price at Oswego. In an action by the plaintiffs, to recover damages of the defendants, arising from their mistake in delivering the telegram, it was held, that the difference between the market-value of the salt at Oswego, and what it sold for at Chicago, together with the expense of transportation from Oswego to Chicago, was not an improper measure of damages; and further, that the omission of the plaintiffs' agent at Oswego when he learned the mistake, to attempt a stoppage of the vessel, then in port, and thus to prevent a great part of the loss, was not legal negligence and did not impair the plaintiffs' right of recovery.

In the course of his judgment, Earl C.J., said—"I can find no authority, and can discover no principle upon which to charge such a company with the absolute liability of a common carrier. That liability was founded upon the necessities of the case, real or fancied, and has never been applied to any person or to any occupation, except those of carriers of goods and inn-keepers. The carrier had the exclusive possession and control of the goods, often in secret, away from the supervision of any other person, with opportunity for embezzlement and collusion with evil-minded persons, and without means of discovery by the owner. Especially was this so in the ruder stages of civilisation, and before the present modes of communication, rapid and easy, were in existence. It was upon this view, early adopted as a rule of safety to the community, that the carrier should always be *primâ facie* liable, in case of non-delivery of the goods, and

that he should not be excused for any causes, except those occurring by the act of God or of the public enemies, and these were to be shown by himself.

Whether his liability is based upon the contract he makes, or upon his public duty, the telegrapher does not come within any of these principles. He has no property entrusted to his care. He has nothing which he can steal, or which can be taken from him. There is no subject of concealment or conspiracy. He has in his possession nothing which in its nature and of itself, is valuable. It is an idea, a thought, a sentiment, impalpable, invisible, not the subject of theft or sale, and as property, quite destitute of value. He cannot, himself, see, or hear, or feel the subject of his charge. He submits an idea to a mysterious agency, which carries it to its destination, and delivers it to one there at hand to receive it. He is bound to conduct the business appertaining to this pursuit, with skill, with care, and with attention. He holds himself out as possessing the ability to transmit these communications, and he undertakes that he can and will transmit and deliver them with the expected despatch. There may be circumstances in the nature of the instrumentality employed, and the effects to be produced, which, in a particular case, will prevent the proper accomplishment of the undertaking. A thunder-storm, which prevents or renders dangerous the operation of electrical currents or machines; a tempest, which prostrates poles and breaks the wires; or unusual pressure of prior business; the sudden sickness of an operator, or many other causes, might prove a sufficient excuse for the want of a prompt delivery of a message. A message is taken to an office in Buffalo to be sent to the city of New York, a distance of about 500 miles, and is accepted. This acceptance implies that the message is to be sent immediately, or certainly within a few hours. The sender can communicate by letter or go in person, within the space of twelve or fourteen hours, and the object of a telegraphic message is to gain the advantage over the time that would thus elapse. This is understood by all parties, and the sender has the right to rely upon it.

In the present case the message, as received, contained an order for 5,000 sacks of salt, a sack containing about fourteen pounds of fine salt. As sent by the defendants' agent, it contained an order for the same number of casks of salt—a cask containing 320 pounds of coarse salt. No excuse is given for this error, and no explanation, unless it be only that the characters by which these words are designated, nearly resemble each other. No doubt this would furnish a reason why a person ignorant of telegraphic characters, or unskilled in their reading, should misunderstand them. Such are not the persons that the defendants are permitted to employ in this business. Those engaged in it profess to understand the hieroglyphics. They have, themselves, invented or adapted them. They are bound, also, to use the machinery which will in the best and safest manner deliver to them the expected messages. Careless reading or ignorant management of the machinery is no excuse; it is simply an aggravation of the offence. The negligence was quite enough to justify the action.

Where plaintiff's attorney, by agreement with his client, is to be paid out of the proceeds of the judgment, a settlement by stipulation between the parties to the suit will not be set aside as fraudulent without proof of a fraudulent intent in the defendant, although such intent on plaintiff's part is shown, and he is insolvent. The attorney in such case should notify defendant of the agreement between himself and his client, after which such a settlement would be held fraudulent. Where the action is for unliquidated damages, the attorney has no lien for his services before judgment nor (it seems) any lien on the judgment when rendered, without due notice to the defendant. Otherwise, where the action is on a written instrument in the attorney's possession.—*Courtney* v. *McGavock* (23 & 24 Wisconsin Rep.)—*New York Daily Transcript.*

The Recorder of Preston.—On the 1st of July, at the Preston sessions, Mr. Knowles, barrister, congratulated the Recorder (T. B. Addison, Esq.), on the sixty-second anniversary of his call to the bar. In reply to an interrogatory from Mr. Knowles, the learned gentleman stated that he was appointed recorder of Preston and Chairman of the Preston Quarter Sessions at the midsummer sessions in the year 1821, having thus occupied those offices for the space of forty-nine years.

OBITUARY.

MR. E. L. HESP.

This gentleman, a member of the firm of Hesp, Fenton, & Owen, solicitors, of Huddersfield, died suddenly at Spring Grove, Huddersfield, on June 18 last. We extract the following from the *Huddersfield Examiner*:—"Mr. Hesp was admitted into the profession in Easter Term, 1824, and came to Huddersfield in the spring of 1825. When Dobson's bank suspended payment he was introduced to the business, and by unremitting labour he contrived, though it was a work of considerable magnitude and difficulty, to make it afterwards an unmistakeable success. Afterwards he entered into partnership with Mr. John Battye, which was continued until that gentleman's death in 1837, when Mr. T. H. Battye went into the firm, and the two gentlemen worked together until the summer of 1842 or 1843. From that time to January 1859 he carried on business alone, when Mr. Owen went into partnership with him, and on the 1st July, 1866, the businesses of Messrs. Hesp and Owen and that of Mr. Edgar Fenton were amalgamated. Mr. Hesp was hon. sec. of the Chamber of Commerce when it was first established, and he always took an active interest in all that affected the character and well-being of that institution. We believe that Mr. Hesp was president for two or three years of the Huddersfield Mechanics' Institution; and in many other ways he unostentatiously, but most effectively, promoted the well-being of his fellow-townsmen. As a lawyer, Mr. Hesp was remarkable for the readiness with which he saw the principles involved in the cases submitted to him, and the firmness with which he grasped difficult details. We have reason for stating that his knowledge of commercial law was most extensive and accurate, and was frequently most valuable to the Chamber of Commerce. The cases which he took up professionally were conducted by him with firmness and tenacity, but, it gives us pleasure to be able to state, with due regard to the regulations of society in matters of courtesy, never sinking the gentleman in the solicitor. Deceased was seventy-two years old, and was the oldest lawyer in the town with the exception of Mr. R. T. Robinson and Mr. J. C. Laycock. Mr. Hesp was a Whig and a Churchman, and although not taking a conspicuous part in political movements, his convictions were decided, and his support of what he believed right was unwavering. He was a man to be relied upon. A man of sterling integrity in his public relations and his private life, he has passed away, leaving that most precious of all legacies, a good name." Mr. Hesp spent some time as a young man with with his brother, Mr. John Hesp, who practised at Scarborough and was three times mayor of that town.

MR. T. MANN.

Mr. Thomas Mann, solicitor, of Burford, Oxfordshire, died at that place on the 22nd June. Mr. Mann, who was admitted in 1830, was for upwards of forty-five years managing clerk to Mr. J. S. Price, clerk to the magistrates of Burford.

MR. R. C. BETTS.

Mr. Richard Christian Betts, barrister-at-law, died at South-square, Gray's-inn, on the 2nd July. The late Mr. Betts, who was in his fortieth year, was educated at Wesley College, Sheffield, and matriculated at the University of London in 1847. He was called to the bar at the Inner Temple in June, 1864.

MR. J. PHILLIPS.

Mr. John Phillips, formerly town clerk of Faversham, in Kent, and clerk of the peace for that borough, died at Grove-terrace, Highgate, on the 26th of June.

Sir William Milbourne James, the newly-appointed Lord Justice of Appeal, was sworn in a member of Her Majesty's Privy Council, on the 6th July, at Windsor.

The University of Dublin has conferred the degree of LL.D. on the Lord Chief Baron Pigot; Baron Fitzgerald, of the Court of Exchequer; and the Right Hon. J. D. Fitzgerald, Judge of the Court of Queen's Bench.

The Lord Chancellor of Ireland has appointed Mr. Robert H. Milward (Alcock & Milward), a special commissioner for administering oaths in Chancery for Ireland, for the district of Birmingham.

SOCIETIES AND INSTITUTIONS.

LEGAL EDUCATION ASSOCIATION.

The meeting of this association was held on Wednesday evening at Lincoln's-inn Hall, under the presidency of Sir Roundell Palmer.

Amongst those present were the Right Hon. Sir E. Ryan, the Attorney-General, the Solicitor-General, Mr. Manisty, Q.C., Mr. Webster, Q.C., Mr. Hinde Palmer, Q.C., Mr. Joshua Williams, Q.C., Mr. Forsyth, Q.C., Mr. Amphlett, Q.C., Mr. Pollock, Q.C., Mr. Eddis, Q.C., Mr. Fry, Q.C., Mr. Quain, Q.C., Mr. Pearson, Q.C., Mr. Anderson, Q.C., Mr. Prendergast, Q.C., Mr. T. Hughes, Q.C., Mr. Osborne Morgan, Q.C., Mr. H. F. Bristowe, Q.C., Mr. Roebuck, Q.C., Mr. Fooks, Q.C., Mr. Wickens, Mr. Serjeant Simon, Honourable G. Denman, Q.C., Professor Bernard, Mr. A. Ryland, Mr. A. Wills, Mr. W. Ford, Mr. Marten, Mr. J. C. Mathew, Mr. A. G. Marten, Professor Amos, Professor Abdy, Professor Bryce, Mr. Westlake, Mr. Jevons, Mr. T. C. Saunders, Mr. J. Hollams, Mr. E. W. Field, and Mr. Dixon.

Sir ROUNDELL PALMER, in commencing the proceedings, said he was very happy that it was in his power to attend and take part in a movement, which, if it should be successful, he believed would take no inconsiderable place in the important claim of legal and other improvements for which the present time bid fair to be distinguished. They were met together for the purpose of giving some effectual impulse to a movement for supplying one of the greatest wants of the country, a worthy place of legal education, a great legal University; and the first question which might naturally be asked on such an occasion was, what had already been done in that direction? Perhaps some might say, the first question rather would be, what was the need for such an institution. But he hardly thought he need deal with that question in speaking to those who had already answered it to a considerable extent by their presence on that occasion. It would be sufficient to say that he believed that the Anglo-Saxon was the only civilised race in the world which at the present time did not found the practice and knowledge of jurisprudence upon systematic and scientific education. In France, Germany, and Italy there had been at all times a careful system of complete academical education for the profession of the law, not confined to the members of that profession, but extended with great benefit to members of other liberal and learned professions and persons intending to devote themselves to the public service. In all these countries, as far as his information went, it had been held necessary that the important office filled by gentlemen following the legal profession should be fitly prepared for by a systematic and scientific knowledge of the law; and he could not but think that the evidence was in favour of our own forefathers in this country being of the same opinion with other civilised nations. If he were asked for evidence of that, he might well answer in such an assembly, *circumspice*, what was the meaning of the great institution to whose courtesy they were indebted for an opportunity of meeting, and what was the meaning of the sister institutions of the Inner and Middle Temples, and Gray's-inn. What was the reason for their existence? Surely the proper answer would be in substance, for the same purpose which the present meeting had in view, and if they had hitherto not fulfilled their object that was surely very extraordinary, but their past neglect was no reason for further delay. In ancient times he found that to the aggregate of these institutions was ascribed that character which they now wished to see filled by them, but not by them alone, for in ancient times Fortescue and Lord Coke both called the aggregate of these institutions a legal university, and thought that they were founded to promote and fulfil that end. Indeed, their very existence was evidence that they were meant to be a legal university, and really he should feel very much at a loss to answer if he were asked to say for what other cause they existed. Of course he did not mean to say that they were not very pleasant societies to belong to, and that they did not in fact fulfil by delegation from the judges other useful functions with respect to the profession of the law; but he did venture to think that the true and principal reason of their existence was connected, and ought still to be connected, with legal education. With regard to the two Temples, the charter of King James I. expressly created, what it was not too much to call, a trust of the property granted to them for the maintenance and education of students in the profession of the law. With regard to what had been done of late years in furtherance of the object which they desired to promote, he would briefly state what had been attempted. how far it had succeeded, what were its shortcomings, and by what means those shortcomings required to be remedied. The praise of making the first beginning in the shape of anything effectual towards instruction in the study of the law belonged not to the bar, or to any one of the Inns of Court, but to the Incorporated Law Society, and if any apology were needed for the course taken by the association in not confining this movement to one branch of the profession, the circumstance he had just mentioned would go far to justify that course, that the first effectual beginning in the direction in which they were now moving was made by the Incorporated Law Society; for soon after they received their present charter, in the year 1833, they established lectures for the instruction of students intended for their own branch of the profession. Not content with that, two years afterwards, in 1835, they addressed a memorial to the judges, asking them to give their authority to a system of education which should be made [compulsory upon all persons intending being admitted as attorneys or solicitors, and which should therefore give the only effectual and complete stimulus possible to a complete and sound system of instruction. The judges, with great wisdom, acceded to that representation, and in 1836 a system of compulsory examination was established, which had since been in force, and he had looked in vain for the slightest trace in any quarter whatever for any difference of opinion in the profession, on the part either of judges, of barristers, or of attorneys or solicitors, as to the excellent effect of that regulation, or as to its success as far as it had gone. The next thing was an attempt to establish voluntary lectures, which were given by two eminent men—Mr. Austin, who was a master of his subject in the principles of jurisprudence and international law, and by Mr. Starkie in common law and equity—in the Inner Temple. That was in the year 1833; and if, in subsequent movements, it might appear that the Inner Temple had not been quite so forward and active as some of the other societies, it might perhaps be accounted for on the ground that they were a little discouraged by the want of success of their first experiment, these lectures having languished and died out in the course of two years. The reason of this was not difficult to see, because there was no organised system of which they were a part, there was no stimulus applied to compel the students to go to them, there was nothing tangible to be got from them, and no system of examination dependent upon them. About ten years afterwards, in the year 1845, the Middle Temple took up the subject, under the auspices of a very eminent man, whose great ability and zeal in the cause of legal reform all must acknowledge—Lord Westbury. Seeing that everybody acknowledged the deficiency and want of method in legal education, and particularly the almost entire neglect of the study of general jurisprudence, and the branches of knowledge immediately connected with it, they took action in the matter, and through their influence committees were appointed by other of the Inns of Court to see if something could be done in the matter. They thought at the time collectively that they could do nothing. The Middle Temple, however, was not entirely discouraged, and they then established lectures on jurisprudence and civil law, and very much under the influence of the reasons which they put forward, Gray's-inn, in 1847, also established a lecture. The lecturer was a very eminent man now gone—the late Mr. William David Lewis, who conducted the lectures with great success and usefulness till 1852. In 1851 the Inns of Court at that time came to an agreement that they would co-operate in this matter. They made liberal contributions, and established a Council of Legal Education, and he could not but recognise in the right hon. gentleman on his right hand (Sir E. Ryan) one of those to whom they were in no small degree indebted for that step being taken at that time. It was impossible not to recognise with great thankfulness the importance of the movement then made. It did a great deal, and no wise man who was concerned in doing so much but must have been conscious that it would probably lead to much more, for in this world it is impossible to do at once all things which it is desirable to have done, and great praise was due to those who made a practical beginning in the right direction. The system was established upon a basis which, if not perfect, was certainly calculated to lead to something better. It had been in operation ever since, and it had already borne fruits of various useful kinds.

He did not speak now so much of the benefits obtained by the young men who attended the lectures, although he had no doubt, from the evidence given before the Parliamentary Commissioners in 1854, that the result of these succeeding examinations showed great and progressive improvement, and he saw no reason to suppose that that had not continued up to the present time, but he ventured to think that amongst the most important of the fruit of that movement was the next step which was adopted, viz., the issue of the Royal Commission of 1854 to inquire—not into the whole subject which was comprehended in the present scheme, because the Inns of Court and the Inns of Chancery were the only subjects of that particuar inquiry—nevertheless, it was an inquiry of great importance and usefulness, and it brought out most valuable opinions in the evidence, and at the same time resulted in a most valuable and important report. With regard to the evidence, the opinion expressed by Mr. Maine, at that time one of the readers, with regard to the examination established in 1851, was this. He said that that system had been successful as far as its inherent defects had allowed it to succeed, and the defects he stated to be in his opinion, first, its want of systematic character; and secondly, the absence of compulsory examination. All defects might be traced to one or other of these causes, and he confessed he very much agreed with this view, for he thought that no possible system without supplying these deficiencies could have that degree of success which would make it really satisfactory. The opinion of Mr. Maine was, he believed, shared by every one of his colleagues, as readers or lecturers, unless exception were made in the case of Mr. Lewis, the eminent man he had before referred to. The same opinion was expressed by Mr. Brougham, Mr. Birbeck, Mr. Walpole, and by the late Mr. Phillimore; and Lord Cairns, although not one of the lecturers, and although giving evidence rather strongly in favour of the ordinary way of acquiring knowledge by reading in the chambers of a barrister or conveyancer, still expressed his concurrence very strongly in the opinion that to make the system what it ought to be, compulsory examination was absolutely necessary. There was one other point given by another man before that committee, from which he had made a short extract which he should like to read. The witness to whom he referred said this:—"My own impression is that the Inns of Court are, as at present constituted, a university in a stage of decay. They are in the same position, as I understand it, as the University of Oxford was at the end of the last century, when the university had virtually delegated the power of conferring degrees to the colleges, the consequence of which was that the colleges, whether from competition amongst themselves, or having no sufficient motive, had brought the thing down to the very lowest point. Then, in the beginning of this century the university was as a whole reconstituted and the examinations were taken by her, and from that moment the standard of education has arisen. "Applying that," he said, "to the Inns of Court what is needed is some central authority to confer the degree of barrister, something answering to the Senate of the University of London, or to the governing body in Oxford or Cambridge. I would not," he added, "allow colleges, analogous to which I consider the Inns of Court to be, to have the power of conferring a degree. The power ought to be given to some central body composed out of them, but not identified with any one of them." In adopting the sentiments of that passage, he must not be supposed to confer the degree which was there spoken of with the authority to call to practice at the bar. That was a matter admitting of different considerations, with which it would not be wise at present to confound education or its results. Education might well be made the test of fitness to be called to practice, but it by no means followed that we should do anything which would seem to intrude upon the authority or function of those to whom the judge might from time to time commit the power of calling to practice in either branch of the profession. He had not named the gentleman from whom these opinions proceeded, but they were the opinions of a man of almost universal accomplishment, who was at the present moment of very great power in the country, and one who upon the subject of academical instruction was considered a first-rate authority, one who had knowledge of this profession both in this country and some of our most important colonies; a man to whose opinions, by the almost universal consent of this country, upon any subject requiring knowledge and power of intellect, as much weight would be attributed as perhaps to any other man, and not the less so because he was not merely a professional man who had lived only for the practice of either branch of the profession, but he was a man who at this moment lived for the country and for the world—he referred to the present Chancellor of the Exchequer. These opinions having been given, it was well known what were the recommendations of the Royal Commission. They stated with great force, and, apparently, with irresistible reasons, that some effect of the test of qualifications of all those who were called to the bar was required. They had nothing to do with the other branch of the profession, which was not within the scope of their inquiry, and that other branch had already obtained compulsory examination before admission. But they pointed out not only that practice was a thing which required knowledge, and that those who entered into a profession of this sort with a view to practice would, at all events, be the better for being taught how to study wisely and well, but still more, that in this country the position of a barrister entitled persons to fill various offices in connection with the administration of the law throughout the country, and that for this class of persons, even more than for practising barristers, it was important that if they had by public authority that stamp which was implied by the designation barrister-at-law, it should mean something, and that there should be some security taken that at least they had some knowledge of their profession. In reality, it had always seemed to him that the argument for a compulsory examination and a proper education of those who did not mean to practice at the bar were still stronger than the argument for such an education of those who were to practice. It had been truly said that a barrister would not get business at all, or at any rate he would not keep it, without some knowlege of law. He feared that even that proposition must be taken *cum grano salis*, for he had known in the course of his life some men of no inconsiderable practice and no small emolument, of whom if he were compelled to give evidence on oath he could not positively say that he believed they knew any law whatever. However, as a general rule, it must be admitted that a person must know something of law and probably so much as could be secured at a pass degree by any system of examination, in order to succeed in practice; and, therefore, it might be said that those who employed them might take care of themselves. But that was a very inadequate view of the subject, though the time at his disposal was not sufficient to make it needful or desirable that he should endeavour to convert his auditors to an opinion which he had no doubt they already entertained. With regard to those who were not practitioners it seemed to him that if they were to be magistrates, or to fill those offices which were given by law to barristers of a certain number of years standing, it was of the greatest importance that they should have some knowledge of the law, and there was no way of securing that so effectually as to say that they should not get the degree of barrister unless they were fairly entitled to it. It had been sometimes said that there were many country gentlemen who, without a view to these appointments, liked to be called to the bar, as it gave a certain degree of dignity, and was also an advantage to the profession and to the Inns of Court that they should be called. He thought it would be of very great advantage to such persons to know something of the law, and his belief was that they would rather come where they could learn something, and that their parents and guardians, who generally had some practical object in sending them, would be better pleased if they could send them where they could get some knowledge which would be useful to them in life, and if some test were applied to answer that end. He was convinced, therefore, that all persons who aspired to the character of barristers would be the better for a system of compulsory examination and systematic legal education. The commissioners recommended exactly what was now aimed at, the formation of a regular legal university in the proper sense of the word, though it was true they did not carry their views beyond the Inns of Court, because nothing beyond that was within the scope of their commissioners, but the principles of that recommendation had not been carried into effect down to the present hour. That occurred in the year 1855, the most eminent men signed and agreed to it, and now fifteen years afterwards not a single practical step had been taken in the direction they recommended. He did not think the subject could re-

main asleep for ever, nor was it for want of some practical steps being taken in the interval. Lord Cairns, in Lincoln's-inn in 1863, proposed a resolution which was adopted by the benchers in favour of the principle of the establishment of a regular legal university, and that resolution remained on record unto the present hour never reversed. He could not but suppose that they would still adhere to it, but they wanted some assistance in the way of impulse from without, some manifestation of intelligent public opinion to show that the time had come for practical movement in the direction of that principle which they had already approved. He himself, when he had the honour of serving under the Crown, had proposed, at a combined meeting of the representatives of the Inns of Court, the adoption of a system of compulsory examination which was carried by a majority, not indeed very large, and it subsequently fell through, in consequence of the separate dissents of, he believed, the Inner Temple and Lincoln's-inn. He believed the other two Inns of Court were at that time prepared to have agreed to it, and he supposed their opinion had not been changed by subsequent events. But if nothing effectual had been done in the matter of legal education since that time, other people had not been idle in the interval. The Faculty of Advocates in Scotland, in 1854, appointed a committee which unanimously reported that there ought to be a universal course of legal study for all persons who were to practice at the bar. Their funds would not admit of establishing so extensive a curriculum as existed in other countries, but they said that whatever the means at their disposal would admit of ought to be done, and there was no reason to doubt that that resolution had been acted upon, and was now being acted upon in Scotland. At Cambridge and Oxford the same efforts had been made to organise efficient law schools. At Cambridge, in 1854, and since at Oxford, very eminent men had been appointed professors of civil law; but, of course, there was much which they could not do. They might very usefully go into the general philosophy of the subject, and he was by no means sure they might do that even more effectively than could be done in London, but certainly they could do nothing to supersede the necessity for the profession itself taking the lead in this movement, and anything which they did at Oxford or Cambridge would be of little value comparatively, unless a system were created which would make it practically useful as an introduction to the two branches of the profession. In fact, all experience showed that attempts to supply a want without that sanction and that value failed. Only the other day he had received information from a member of the profession who had been a very energetic teacher of law at King's College (Mr. Cutler), who told him that the classes there had languished and were languishing, and were not likely to be permanently maintained unless there were something which could give them the value they ought to have in those institutions which had the power of granting admission to practice; and therefore it might, he thought, be taken for granted that all these collateral efforts, which might grow to be of great importance if properly utilised, would be wasted and turn out inefficient, if their duty in that respect were neglected.

In concluding his observations he might say that the present meeting was not called for the purpose of discussing details or of anticipating the results of the consultations of those to whom the working out of the scheme might be confided, and no doubt there were many things as to which their first suggestion would be but tentative and liable to revision and co-operation; but the meeting was called for the purpose of sanctioning what had been already done towards the formation of this association, and of adopting a brief statement of its objects, which committed those so doing as little as possible. All present had probably seen the circular which had been issued, at the head of which two particular objects were named—the establishment of a law university for the education of students intended for the profession of the law; and, secondly, the placing of the education of both branches of the profession on the basis of a combined test of a collegiate education and examination by a public board of examiners. No one could possibly take exception to the first mentioned object unless on the ground that the words were too narrow; but it was not intended by any means to deny the advantage of the university, which might be extended to any who might desire to avail themselves thereof. Nothing exclusive was by any means intended, on the contrary he quite agreed with Mr. Lowe, who in another passage of his evidence said he thought it very desirable that every English gentleman whose time was at his own disposal should be educated in the law to a much greater extent than was at present the case. The wording of the second object might possibly be open to some verbal criticism, but it certainly was not intended in any way to prejudge the question as to the education of those intended for the two branches of the profession being in all respects identical. In a later part of the same circular it would be seen that while no reason was supposed to exist why instruction in the general branches of jurisprudence should not be given to students of both classes, yet the word "combined" there had nothing whatever to do with combination in the system of instruction, but referred simply to the idea that both barristers and solicitors should undergo the double test as to a collegiate education and also an examination by a public board. Lastly, to avoid any misconception, he might briefly mention one or two things which were not intended. Some people were under the impression that a fusion of both branches of the profession was contemplated by the association, but nothing could be more groundless. Neither did they desire in any way to interfere with the internal organisation or proceedings of the Inns of Court. For himself he could not conceive of any institution which had less right to exist for any other purpose than the public good, and, therefore he hoped and believed that any changes which might be necessary in the course of time, to adapt them to the exigencies of the present day, would be undertaken and carried out; but this was not the object of the association. If they did not interfere with these objects they should not meddle with the Inns of Court, but if they met with opposition on their part no one could say what might be necessary to be done. At present, however, the association had no desire to interfere in any way with their internal arrangements. Again, he might say, it was not the object of the association to dictate in any way to the judges whom they might admit to practice at the bar, or to whom they should delegate their power of calling to the bar. What they did say was that this power ought not to be exercised without qualification, and that the university which they were seeking to establish would supply the means of ensuring the existence of those qualifications. In conclusion, they did not propose to meddle in the least degree with the discipline either of barristers, or attorneys, or solicitors, after they had been admitted, but stopped short at the admission. The report which had been prepared, and the adoption of which he had now to move, stated what had been done. Communications had been entered into with the Inns of Court, the result of which was that the Middle Temple had recorded its approval of the objects of the association, and had appointed a committee to communicate with the Council; Gray's-inn had appointed a committee for the promotion of these objects, and Lincoln's-inn had passed a resolution—"That the bench, recognising the importance of securing a sound system of legal education and satisfactory test of the qualification of those who are admitted to the profession of the law, are willing to enter into communication with any committee appointed by the other Inns of Court for the purpose of considering the subject." They had also the courtesy to lend the use of their hall for that meeting. Of course, without intending by so doing to express any opinion as to their future proceedings, but beliving as he did that the movement would go forward and that those who desired to promote the cause of legal education would be unable ultimately to stand aloof from the Association, he fully reckoned on the hearty concurrence of Lincoln's Inn. The Incorporated Law Society had cautiously reserved any expression of opinion until they had had more communication with the members of the profession in general, but the Provincial Law Society had expressed great confidence in the movement. He hoped those who followed him would endeavour to avoid introducing any doubtful matters of detail on which differences of opinion might arise, because he considered it of the greatest importance that the assistance and co-operation of all who could join in the principle sought to be introduced should be secured, and that no opposition might be needlessly evoked on the part of those who might perhaps throw serious obstacles in their way.

After moving the adoption of the report, the Chairman, who had important engagements elsewhere, vacated the chair in favour of the Attorney-General.

The SOLICITOR-GENERAL then seconded the motion, saying he cordially agreed in almost every word which had fallen from Sir Roundell Palmer.

Mr. W. FORD (Vice President of the Incorporated Law Society), supported the resolution, and spoke of the advantages which had followed the introduction of compulsory examinations, final, preliminary and intermediate, in the case of attorneys and solicitors. Whatever might be the qualification laid down for admission hereafter, he hoped that in his branch of the profession no material abridgment at any rate would be made in the term which was now required to be spent in practical office-work.

Mr. JEVONS (Liverpool), said he was most happy to support the resolution as a country attorney, in order to testify to the public that this movement for the establishment of a legal university was strongly supported both in town and country. In fact the movement originated amongst provincial attornies, and, therefore, it might be presumed that it would have their support. He took that opportunity of entirely disclaiming the idea which some persons seemed to entertain that this university was to be supported out of the funds of any existing institutions; on the contrary he believed it would be self-supporting in every sense of the word, for on taking the average of admissions and calls during the last few years, and assuming each barrister would spend two sessions at the university and each attorney one, and that the fees would be on a similar scale to those charged in kindred institutions, they would have an average yearly attendance of 1,100 students, and an income of at least £30,000 a year. He hoped that when such a revenue was in the hands of the future managers of this university such a portion of it would be devoted to the salaries of the professors, that the calling of a professor of law might in itself become an adequate object of ambition to the profession.

The motion was then put and carried.

Mr. AMPHLETT, Q.C., moved that Sir. Roundell Palmer, Q.C., M.P., be elected president of the association.

Mr. FORSYTH, Q.C., had much pleasure in seconding the motion, and in expressing his general concurrence in the objects of the association which, however, were not of such peremptory importance now as a few years ago, when the only requisite for a call to the bar was the eating of a certain number of dinners. The present time, however, when a broad scheme of education was about being established for the country at large, seemed very favourable for such a movement. The only possible objection was that the independence of the Inns of Court would be interfered with, but this was entirely groundless. He only wished to add, as Sir R. Palmer had made no allusion to the action of the Inner Temple in the matter, that a resolution had been passed appointing a committee, as had been done in the case of the other Inns for the purpose of communicating on this matter.

The resolution having been carried,

Mr. MANISTY, Q.C., moved the next resolution, that the gentlemen, a list of whose names was handed round, representing all branches of the profession, be elected the committee of the association. He said he was one of the committee who sat ten years ago to consider the propriety of instituting a compulsory examination previous to a call to the bar, and had then voted against such a proposition, namely, on the ground that it was not founded on a systematic legal education. It ought also to be mentioned that that same committee unanimously came to the conclusion that there should be a preliminary examination before anyone was admitted a member of the Inn, with a view to being called to the bar, and that, he believed, had been productive of great good.

Mr. WICKENS, in seconding the motion, said he hoped that the result of the association's labours would be the abolition of the numerous sub-divisions of legal work which at present obtained, but whilst this was the case it was important that they should all be represented, and this, he was happy to see, was the case.

The resolution was put and carried unanimously.

Mr. QUAIN, Q.C., moved the next resolution :—"That the president and council be authorised to communicate on behalf of the association with the committees appointed by the honourable societies of the Middle Temple and Gray's-inn, and with the Incorporated Law Society, the Metropolitan and Provincial Law Association, and the provincial law societies, with reference to the objects of the association, and the measures proper to be adopted for their attainment; and also to take such other steps as may appear to them expedient for the purpose of obtaining the concurrence and co-operation in such measures of the other Inns of Court, and of such other persons and public authorities as to them may seem advisable." He was glad to see the two universities of Oxford and Cambridge represented by his friends Professor Bernard, Professor Bryce, and Professor Abdy, and he suggested that "the universities of the United Kingdom" should be added to the resolution. There was one thing in the history of this subject which Sir Roundell Palmer had omitted, probably by accident, and that was the report of the select committee of the House of Commons in 1846. That committee presented a most elaborate report, which recommended a scheme not very dissimilar from the one now before the meeting, after having examined Lord Brougham, Lord Campbell, and the present Lord Westbury, who was then, as now, one of the strongest supporters of the educational movement. It is quite remarkable that, although there was the concurrence of all the leading men in the country at that time, no effective measures had yet been taken to carry that report into effect. Surely the time has now arrived for doing something. England ought no longer to occupy the humiliating position which she now did in comparison with the great countries of the Continent. It was impossible to take up even a catalogue of foreign law books without being ashamed of the state of legal education in this country. He could not help thinking that the reason nothing had been done hitherto was that there was no such organisation as they were now met to establish for the purpose of carrying out what was required, and keeping it constantly before the public. He hoped this would now be done, and, if necessary, attention would be called in Parliament to what was certainly a great and crying want of the age, as far as the legal profession was concerned.

Mr. RYLAND had great pleasure in seconding the motion, and, on behalf of the provincial attorneys whom he represented, he desired to give his cordial concurrence to the movement.

Mr. MATTHEW supported the resolution, saying he had for some time foreseen that something of this sort must take place. It had been his fortune to come frequently in contact with those who were applying themselves to the study of the law, and he had told them over and over again that they must by some means endeavour to obtain some education preliminary to their profession, other than that which they could obtain in chambers.

The resolution, as amended by Mr. Quain, was carried unanimously.

Professor ABDY moved the election of the executive committee of the council. He said the University of Cambridge, which he represented, was thoroughly in earnest in its desire to promote the study of the law, and he had no doubt the efforts which had already been made in that direction would hereafter bear good fruits.

Professor BRYCE, in seconding the resolution, said the University of Oxford, like the sister institution at Cambridge, was desirous, by every means in her power, to forward the objects which the association had in view.

The SECRETARY (Mr. A. J. Williams), having read the list of names proposed, the resolution was carried unanimously.

Mr. CHARLES POLLOCK, Q.C., moved the sixth resolution, "That subscriptions and donations be invited to the funds of the association," which was seconded by Mr. JOSHUA WILLIAMS, Q.C., and carried unanimously.

The meeting concluded with votes of thanks to the Hon. Society of Lincoln's Inn for their kindness in granting the use of the hall, and to Sir Roundell Palmer and the Attorney-General for presiding.

MEETING OF SOLICITORS.

A meeting, convened by circular, was held on Thursday, at the Guildhall Coffee House, at which the following gentlemen, amongst others, were present:—Messrs. F. H. Rooks, C. H. Sadler, S. Woolf, E. F. B. Harston, G. Kenrick, E. Bayley, J. L. Ovans, T. M. Woodbridge, Bolton, C. E. Wilson, G. W. Crook, Phelps, A. J. Bowen, E. Kimber, H. Montagu, D. Stocks, D. C. Halse, T. H. Bartlett, D. Woolf, B. E. Greenfield, F. R. Parker, G. S. Warmington, J. J. Merriman, T. C. Russell, W. H. Farnfield, and E. P. Flux.

Mr. KENRICK (Rooks, Kenrick, & Harston), having been unanimously voted to the chair, said the object of the meeting was stated in the circular which had been issued to be, "To infuse new blood into the council of the Incorporated Law Society at the ensuing election." There was a very wide-spread feeling that solicitors, as a body, were not so actively and so well represented in the Houses of Parliament, and in the legal world generally, as they ought to be. That was evidenced by the fact that Acts of Parliament were constantly passed, without any step being taken to oppose them, when the tendency of those Acts was to lessen the influence of the profession with the public, and diminish professional emoluments. To the Incorporated Law Society, the profession had hitherto been content to look for an expression in public of its opinions, its feelings, and its sentiments. But in recent Acts of Parliament there had been omissions and additions which had had serious consequences with reference, at all events, to the business of the younger branches of the profession. Under these circumstances, he thought it might be said of the Council of the Incorporated Law Society that they were, as they had been recently described before a Committee of the House of Commons, an irresponsible body, not expressing the opinions of the general body of the profession. Such was the evidence given by a member of the firm of Baxter, Rose, & Norton, before the select committee sitting upon the question of the law courts. He thought the time had come when it was necessary to have upon the Council of the Incorporated Law Society younger, more energetic, more practical, and more business-like men, who would take a different view of the question, whether a large slice of business should be left in their hands or be taken from them. They were not without precedent in the course now proposed to be followed. In Dublin, after a protracted struggle, the younger members of the profession had succeeded in getting their representatives upon the Council of the Incorporated Law Society; and the interests of the profession had certainly not suffered from such a step. To give another instance of inactivity, it was well known that there were a large number of unqualified persons who practised in the profession of the law—law stationers, accountants, and others—without any active steps being taken to oppose them by the Incorporated Law Society. The great evil of this state of things was, that the qualified members of the profession were dragged, as it were, into the mire, and had to extricate the persons who had been foolish enough to be led by unqualified practitioners out of the difficulties in which they found themselves placed. They might not succeed at once, but they would by repeated efforts; and, if necessary, they must form a league, like that for the severance of Church and State, because, having come to a conviction of what they believed to be right, they should carry it out without fear of contradiction, without fear of trouble, and without fear of expense. With this object, the gentlemen present would be asked to nominate a committee; and he begged to state explicitly that the members of his firm who had moved in the matter had no desire whatever to derive any benefit personally, and their only object was to promote the interests of the profession at large.

Mr. KIMBER coincided in the remarks which had been made by the Chairman, and alluded to the fact that when Mr. Gregory, a member of the council, put upon the paper of the House a notice that he would call the attention of the Legislature to the undesirable state of the Lords Justices' court, it being presided over by one judge only, no activity was shown by the members of the council of the Incorporated Law Society to ensure the success of Mr. Gregory's motion, and the result was, that the House was counted out. He considered it highly desirable that there should be some younger members of the profession upon the council of the society, in order that the views of the profession generally might be more thoroughly represented.

Mr. MONTAGU thought no one could deny that the council of the Incorporated Law Society was a most inactive and sluggish body, which needed to be awakened by the infusion of new blood into it; and he concluded by moving a resolution to the effect that it was expedient that the younger and more energetic members of the profession should be represented upon the council.

Mr. HARSTON seconded the motion, stating that he had asked Mr. Watkin Williams, M.P., to discover what had been done by the Incorporated Law Society by way of advancing the interests of the profession during the last two sessions, and after a very careful search had been made by the gentlemen who had charge of the papers of the House of Commons, it was found that during that period the society had done nothing whatever. He also referred to the fact that when any bill was before Parliament affecting the well-being of the profession, the council of the Incorporated Law Society were not by any means active in the matter; so that things were left to take pretty well their own course. One of the rules of the society was that no gentleman could be a member of the council who had not been in practice ten years. He thought that rule should be abrogated.

Mr. PARKER (Sharpe, Parkers, & Pritchard) disapproved of some remarks which had been made by Mr. Kimber with reference to the members of the council of the Incorporated Law Society. If the younger members of the profession were to be represented on the council, he thought they had better seek that representation as matter of right rather than by abuse. If a resolution having that object were brought forward at the annual meeting, he did not see any reason in the world why it should not succeed; and he would suggest omitting from the resolution the words "more energetic"

Mr. MONTAGU expressed his willingness, with the consent of his seconder, to adopt Mr. Parker's suggestion.

Mr. JOSIAH J. MERRIMAN expressed a hope that the meeting would pause before it proceeded to adopt a resolution such as that now before it, for he could not help characterising it as absurd, seeking as it did the representation of juvenility. He thought the adoption of the suggestion to strike out the words "more energetic" made the resolution much more objectionable than it was even in its original form. He had always thought that the charges of inefficiency brought against the council of the Incorporated Law Society had been, to a large extent, the result of pure imagination. He had had occasion to correspond with, and make suggestions to the council of the Incorporated Law Society, and it was only just for him to say he had ever found his communications and suggestions treated with respect, and in a thorough business-like manner. No doubt the council of the Incorporated Law Society had done, and left undone, many things with which fault might perhaps reasonably be found; but that was only the natural consequence of representation, and it would ever be the case, no matter whomsoever might be elected. He, therefore, hoped the resolution would be withdrawn, and that there would be placed before them something like a policy which he had failed to discover, to which they should be pledged.

Mr. DAVID WOOLF said the object which they all ought to have in view was not the representation of any particular section of the profession; but they should seek to get their views represented, by soliciting gentlemen in whom they had every confidence to fill the vacancies which occurred in the council.

Mr. WOODBRIDGE said he had a great deal of business in the county courts, and he was of opinion that the council of the Incorporated Law Society had not paid the attention which they ought to the interests of those members of the profession whose business lay in the county courts; and he was prepared to lend his aid, in order to secure the infusion of new blood into that council.

Mr. SIDNEY WOOLF thought it did not behove them as a meeting to make disrespectful comments upon the council of the Incorporated Law Society as now constituted; but he could not help calling attention to the absence of regard for the interests of the profession in the case of the extension of the admiralty jurisdiction to the county courts. When that bill was passing through the House of Commons in 1869, the council of the Incorporated Law Society issued a report stating that they had given the matter their serious consideration and that the bill had been withdrawn. It so happened that a very short time afterwards the County Courts Admiralty Jurisdiction Act was passed, and the council seemed to be thoroughly inactive about it. Under these circumstances he should be ready to move as an amendment that it was desirable that new blood should be infused into the council of the Incorporated Law Society.

Mr. DANIEL STOCK urged the importance of passing a resolution unanimously, otherwise, it would have very little influence out of that room. He should not be disposed to agree wholly with the observations which had been made either by the Chairman or Mr. Kimber, but he

considered there could be no doubt that the Incorporated Law Society had not done all that could have been wished.

Mr. BARTLETT seconded the amendment, and expressed himself sorry to hear some of the observations which had fallen from Mr. Kimber. He thought the amendment embodied all that was desired, because they were of opinion that they were not sufficiently represented by the council, and that the council did not look well after their interests in Parliament. He should be glad to see some of those who were known as mercantile lawyers upon the council, because in that respect he thought the council was singularly deficient.

Mr. HARSTON suggested that the original resolution should be amended, stating that it was expedient that the profession should be more adequately represented upon the council of the Incorporated Law Society.

Mr. JOSIAH J. MERRIMAN took exception to the word "adequately," and, in his view, there was a general concurrence.

After an animated discussion, in which various gentlemen engaged, the following resolutions were unanimously carried:—That it is desirable to infuse new blood into the Council of the Incorporated Law Society; and That Messrs. Halse (Halse & Trustram), Harston (Rooks, Kenrick & Harston), Montagu, Wheeler and Bayly do form a committee to carry out the objects of the meeting.

Upon the motion of Mr. WOODBRIDGE, a vote of thanks was accorded to the Chairman, and the proceedings terminated.

THE HIGH COURT OF JUSTICE BILL.

On Wednesday last, a deputation from the Law Amendment Society waited on Mr. Gladstone at his official residence in Downing-street, in support of the High Court of Justice Bill now before the House of Commons. Among the deputation were Mr. G. W. Hastings, chairman of the council of the society, Sir Christopher Rawlinson, Mr. Joshua Williams, Q.C., and other well-known members of the bar, and a number of M Ps. The Chancellor of the Exchequer accompanied the Premier, who apologised for the unavoidable absence of the Attorney-General. Mr. Hastings, addressing Mr. Gladstone, said that the Law Amendment Society had a good right to be heard on the High Court of Justice Bill, for the society had now been in existence for more than a quarter of a century lending its aid to the improvement of the law, and that solely in the public interest. So long since as the year 1851 they had published a report on the expense, delay and failure of justice arising from the separation of our courts of law and equity. He was glad to see his right hon. friend the Chancellor of the Exchequer present on that occasion, for he would know something of that report having had not a little to do with its production.

The report had concluded with four resolutions which he would read:—

(1.) That justice, whether it relate to matters of legal or equitable cognisance, may advantageously be administered by the same tribunal.

(2.) That where the principles of law conflict with those of equity, the latter shall prevail, to the exclusion of the former.

(3.) That all litigation, whether it relate to matters of legal or of equitable cognisance, may advantageously be subjected to the same form of procedure.

(4.) That the rules of procedure be embodied in a code.

He ventured to say that these resolutions, passed by the society nineteen years ago, contained the pith and kernel of the High Court of Justice Bill. What they had contended for throughout, was that, instead of sending a suitor from one court to another, owing to the incompetency of any to do full justice in the suit, there should be one High Court armed with plenary powers. The society had therefore rejoiced when the bill was introduced into the House of Lords, and at one of the largest meetings it had ever held, attended by many of the most distinguished members of the bar, had passed a resolution in its favour. The bill at that time had contained several provisions of which the society could not approve, but he was bound to admit that all the modifications, which were numerous and important, made during its passage through the Upper House had been in the direction advised by the society, which was now well satisfied with the measure. There might still be defects and shortcomings, but he refused to weigh them in the scale against the great principle embodied in the bill. The society observed with regret that two pleas for delay had been put in. They amounted to nothing more, and even as such they were untenable. It had been urged by personages high in position and authority that the union of the courts of law and equity ought to be deferred until the whole substantive law of England, written and unwritten, had been embodied in a code. Now, it did not lie in the mouth of the Law Amendment Society to object to the preparation of a code, for they had constantly advocated that undertaking; but he failed to understand why the courts should not previously be consolidated. He believed, on the contrary, that the passing of this bill would greatly facilitate the construction of a code. It had been so in India, where a High Court of Justice had been established with the best results, and an Indian code was now in course of preparation. It had been so also in the State of New York, where they created the court first and made the code afterwards. But then another plea was raised, and an amendment to the second reading of the bill was founded upon it by Mr. Denman. It was objected that the bill ought not to pass until the rules and procedure of the future court had been laid before Parliament. If this meant that the rules of procedure were to be embodied in the bill, then he must point out that such a course would swell the measure to the size of a volume and make its enactment impracticable. But if it were only meant that Parliament should check and revise the proposed rules, then he was glad to say that this most desirable object was provided for in the bill. The 12th section would enact that none of the rules and regulations of the High Court were to have any validity until they had been confirmed by Parliament; and what was more, this Act itself could not come into operation till such confirmation had taken place. He put it strongly that after nineteen years of delay the society had a right to hope for the accomplishment of its suggestion, and he begged to respectfully urge on him (Mr. Gladstone), to use his influence with the House that the bill might at once be passed as the greatest law reform ever proposed in this country, and still more valuable as making the way easy for further beneficial changes.

Mr. Gladstone, in reply, thanked the deputation for the support of the bill, and assured them that the Government were fully alive to the importance of its passing during the present session, and that every possible effort would be made to secure its object.

SOLICITORS' BENEVOLENT ASSOCIATION.

The usual monthly meeting of the board of directors of this association was held at the Law Institution, Chancery-lane, London, on Wednesday last, the 6th inst, Mr. William Strickland Cookson in the chair. The other directors present were Messrs. Avison (of Liverpool); Benham, Bulmer (of Leeds), Burton, Hedger, Monckton, Nelson, Rickman, Shaen and Torr (Mr. Eiffe, secretary).

A statement of the result of the recent anniversary festival, held under the presidency of Vice-Chancellor Sir Richard Malins, was laid before the board, from which it appeared that, after paying all expenses connected with the festival, the net gain to the funds of the association is a sum of £716 3s. 5d., with an addition of thirty-three life, and eighty-five new annual members. Votes of thanks were unanimously passed to the Vice-Chancellor, and to the stewards and donors at the festival.

The receipt of a legacy of £180, bequeathed to the association in 1869 by the late Mrs. Martha Elizabeth Clark, of Kensington, was reported; and a letter was read announcing a legacy of £90, bequeathed to the association during the present year by the will of the late Mr. Thomas Darwell, solicitor, of Barton-upon-Irwell and Manchester, a member.

A sum of £125 was applied in grants of relief to necessitous applicants, and a sum of £700 was ordered to be added to the invested capital.

Eighteen new life and forty-three new annual members were admitted to the association, and other general business transacted.

LAW STUDENTS' DEBATING SOCIETY.

The annual meeting of this society was held at the Law Institution, Chancery-lane, on Tuesday, the 5th of July, Mr. E. C. Harvie presiding. The treasurer's balance sheet,

duly audited, was presented to the meeting. The committee presented their annual report, which was as follows :—

To the Members of the Law Students' Debating Society.

Gentlemen,—We beg to lay before you our report of the proceedings of the society during the past session.

The society has, during that time, held thirty-two meetings, at which fifteen legal and nine jurisprudential questions have been discussed. The average length of the debates has been one hour and forty-five minutes. The remainder of the meetings have been devoted to the administration of the society's affairs.

The average number of members attending the meetings has been twenty-six, the largest number at one meeting having been thirty-eight, and the smallest fourteen.

The average number of speakers has been ten, and of voters fifteen, of whom, on an average, eleven voted in person and four in the register.

During the past session thirty-four members have been elected, the name of one former member has been re-entered on the roll, and thirty-one gentlemen have ceased to be members. There are now on the roll of the society 168 members.

Your committee have held nine meetings during the session, and have considered thirty-three legal questions, of which fifteen have been approved for debate.

Mr. W. H. Herbert having resigned the office of treasurer, Mr. L. Hunter, the then secretary, was elected in his place, and Mr. William Appleton was elected as secretary, in place of Mr. Hunter.

Mr. G. W. Byrne having resigned his post of auditor, Mr. A. G. Harvie was elected in his place.

The clause in rule 6, which imposed a fine of sixpence on ordinary members of less than three years' standing for absence from the weekly meetings without notice, has been repealed, and the latter clause of rule 8, providing that members liable to such fine who should be absent from six successive meetings without notice should cease to be members, has also been repealed. No other alteration has been made in the society's rules.

The usual success has attended the members of the society at the examinations for the bar, and the final examinations for attorneys and solicitors.

The above statistics furnish abundant testimony to the continued and increasing prosperity of the society.

We are, gentlemen, your obedient servants,

LESLIE HUNTER, Treasurer.
THOS. R. HARGREAVES,
EDGAR C. HARVIE,
JAMES S. HEPBURN,
THOMAS WIDDOWS,
R. FREER AUSTIN,
} Members of the Committee.
WILLIAM APPLETON, Secretary.

The following members were elected to serve as officers of the society for the ensuing year, viz.:—Treasurer—Mr. James Smith Hepburn; Secretary—Mr. William Appleton; Committee—Messrs. Richard Freer Austin, John Percy Gordon, Thomas Rowland Hargreaves, Edgar Christmas Harvie, and Leslie Hunter; Auditors—Messrs. Arthur Gough Harvie, and Thomas Widdows.

The next meeting of the society will be on Tuesday, 25th October next.

Law Institution, July 5, 1870.

AN APPEAL COURT FOR AUSTRALIA.

A task of great importance has been taken in hand by a member of our local Parliament. Mr. Casey has obtained in the Legislative Assembly a committee on the expediency of inviting all Australian countries to co-operate in obtaining a common law under which criminals convicted in any one shall lose harbour in all; probates, administrations, insolvency certificates, and executions (against property) issued in any one shall have force in all; and a tribunal of appellate jurisdiction over all Australian courts shall sit in the midst of all upon Australian soil.

The project of an Australian Court of Appeal is momentous, not only because of its probable effect in bringing the highest justice more immediately home to every Australian door, but because also of its certain tendencies on international character and development. The present relation of Australian tribunals to the appellate tribunals of Great Britain can have but an infinitesimally small effect on the national law and policy of Great Britain, but is most powerfully influential on the law and the policy and character of the Australian States. The pageantry of royalty exhibited here, the real acts of political control performed at home, and all the functions of commerce and social life performed between us, do but unite us to the mother country as with silken threads, or cords of silver and gold; but the power which the Privy Council and the House of Lords exercise over the property, liberty, and lives of all Australian citizens, on appeal from the highest courts of all Australian courts, anchors us to the mother country as with cables of iron. It is thus not only because of the personal character of the home tribunal, but because also of the nature of the law administered. The judges are the choicest of all the sages of British law. The law administered to us is principally that British law itself. In this respect our position is different from that of any other possible colonial confederacy; from that of the Canadian Dominion in half of which old French law is the basis of existing rights and wrongs; from that of the South African colonies, where Dutch law still dominates or greatly influences all the relations of the people; and from that of the great Indian Dominion, where two hundred millions of subjects live under the sanction of Brahmin and Mohammedan codes. The advantage of British appellate jurisdiction to such countries as these is chiefly political, ethical, and moral—theoretical, mediate, and indirect; the advantages to us are principally legal, immediate, and direct.

Hitherto by far most frequently the questions sent from Australia on appeal have arisen on the common law or the statute law of England in force in all the Australian colonies; and upon such laws it is obviously of the highest possible value to us to secure the most consummate English opinion. So prized by us, indeed, have been the judgments of such a tribunal, that though to procure them we have had to undergo the cost and delay of making "sacrifices" in a temple on the other side of the world, and though the deliverances of our oracle have sometimes been unexpected and sometimes obscure, yet we have never doubted them so far as they were understood, and we still seek them cheerfully and obey them implicitly when they come. No possible local tribunal that we can form in Australia can compare with these British appellate tribunals in respect of the weight and value of their decisions on questions of English common or statute law; and if all the questions arising among us were such only as these, and if the decisions on them could be obtained with reasonable speed and economy, none others would be desired so long as we remain subjects of the British Crown. But there has been in each Australian colony, even from the first, a proportion of questions arising on laws of purely original structure, which are framed to meet purely local wants, expressed occasionally in local language (for instance the pastoral and mining laws), and incapable of the most perfect interpretation by any tribunal uninformed—indeed incapable of being informed—of those surrounding circumstances which, according to the best canons of verbal criticism should always influence the interpretation of laws. Every year will increase the proportion this local law bears to English law in every part of the British dominions, and in this respect every year will diminish the value of an English court of ultimate appeal, and increase the value of a similar local court. We ought also to remember that the increase of local law has been accompanied by a native growth of lawyers. The educated members of all branches of the Australian legal profession have now attained a proportion, both in numbers and in degree of legal accomplishment, which entitles them to enforce their local and national sympathies and interests. To these important professional elements the question of an Australian Appellate Court presents aspects and aspirations deserving of consideration and weight. The present time seems, therefore, a fitting one to take in hand the establishment of a Federal court. But that task will be difficult as well as important.

In constituting the Court it would seem that the individual legislation of all the local Parliaments concerned would not be sufficient; no single Parliament of any colony could legislate as to the acts of a Court sitting outside its own parliamentary jurisdiction. An Imperial Act would seem necessary. In its constitution the Court would seem fitly to include the Chief Justices of all the colonies choosing to join in the scheme; including Western Australia, Tasmania, and New Zealand, if they

desired. As to the place of sitting, we think that, for the present, Victoria should at once offer to New South Wales at least an alternate honour. But perhaps this and other difficult points would be most easily as well as most perfectly solved by the Court itself, if the power were given to it to determine the place as well as the times of its sittings. These times, whether fixed by law or by the Court itself, would need to be at least four a year. If the sittings were less often, some judgments would be delayed nearly six months, and thus the local court would lose a most advantageous point of comparison with the existing system. One of the practical effects we should feel in Victoria would probably be the necessity of remodelling the existing distribution of judicial labour, and of adding to the numerical strength of the Victorian bench. The labours of the Chief Justice are already greater than those of any of his brethren, and a local appellate court would at once greatly increase his judicial labours and lessen the time in which they must be performed.—*Australian Jurist.*

COURT PAPERS.

THE BANKRUPTCY ACT, 1869.

The following is the order recently issued in regard to the delegation of power to the registrars of the London Bankruptcy Court:—

Whereas, by section 67 of the Bankruptcy Act, 1869, it is enacted that "the Chief Judge in Bankruptcy, and every judge of a local court of bankruptcy, may, subject and in accordance with the rules of court for the time being in force, delegate to the registrar, or to any other officer of his court, such of the powers vested in him by this Act as it may be expedient for the judge to delegate to him":

And whereas, by the General Rules for Regulating the Practice and Procedure of the London Bankruptcy Court, General Rule 2, it is provided that the Chief Judge in Bankruptcy may delegate to the registrars of his court such of the powers vested in him by the Act as such judge may deem expedient to delegate, except the power to make an order to commit a person for contempt:

Now, I the Honourable James Bacon, Chief Judge in Bankruptcy, under and by virtue of the said recited Act and of the said recited General Rules, do delegate to the following Registrars of the London Court of Bankruptcy—viz., William Hazlitt, Henry Philip Roche, James Rigg Brougham, William Powell Murray, Philip Henry Pepys, Esqs., and the Honourable William Cecil Spring-Rice, and to each and every of them the several powers vested in me by the said recited Act and the said recited General Rules, except the power to make an order to commit a person for contempt, and except also the power of hearing any appeal from a local bankruptcy court under section 71 of the said recited Act, and except also the power of hearing a trial before a jury of any question of fact which the parties in any matter desire shall be so tried, under section 72 of the said recited Act.

Dated this 5th day of July, 1870.

JAMES BACON, Chief Judge.

Mr. John Balguy, barrister-at-law, the newly-appointed stipendiary magistrate of the Staffordshire Potteries, has been placed by the Lord Chancellor on the commission of the peace for the county, on the recommendation of the Secretary of State for the Home Department.

A deputation from the Law Societies of Birmingham, Liverpool, Leeds, and Newcastle, had an interview on Wednesday with Mr. Gladstone and Mr. Lowe, in reference to the High Court of Justice Bill, now before the House of Lords. The deputation was introduced by Mr. Dixon, M.P.

Sir Barnes Peacock, late Chief Justice of Calcutta, was sworn in on the 6th July, at Windsor, as one of her Majesty's Privy Council, and will therefore become a member of the Judicial Committee of that body for the hearing of Indian appeals. In the Court Circular Sir Barnes is styled a "baronet," but no official announcement of a baronetcy being bestowed on him has yet been made. There are several precedents, however, to show that this honour has been conferred on the retiring Chief Justices of Bengal. The Right Hon. Sir John Anstruther was created a baronet on being appointed Chief Justice of Bengal in 1798, and the Right Hon. Sir Henry Russell received a similar honour on his return to England, after having served in that office, in 1812. The Right Hon. Sir Edward Hyde East (author of "East's Reports" and "Pleas of the Crown"), was also created a baronet on his return from India in 1823.

PUBLIC COMPANIES.

GOVERNMENT FUNDS.

LAST QUOTATION, July 8, 1870.

From the Official List of the actual business transacted.

3 per Cent. Consols, 92⅝	Annuities, April, '85
Ditto for Account, Aug. 92⅝	Do. (Red Sea T.) Aug. 1908
3 per Cent. Reduced 92½	Ex Bills, £1000, — per Ct. 5 pm
New 3 per Cent., 92½	Ditto, £500, Do — 5 p m
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, — 5 p m
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 4½ per Ct. (last half-year) 234½
Do. 5 per Cent., Jan. '73	Ditto for Account,
Annuities, Jan. '80—	

INDIAN GOVERNMENT SECURITIES.

India Stk., 10½ p Ct. Apr. '74, 205xd	Ind. Enf. Pr., 5 p C., Jan. '72
Ditto for Account	Ditto, 5½ per Cent., May, '79
Ditto 5 per Cent., July, '80 111	Ditto Debentures, per Cent., April, '64 —
Ditto for Account, —	Do. Do, 5 per Cent., Aug. '73
Ditto 4 per Cent., Oct. '88 102½	Do. Bonds, 4 per Ct., £1000 24 pm
Ditto, ditto, Certificates, —	Ditto, ditto, under £1000, 24 pm
Ditto Enfaced Ppr., 4 per Cent. 93	

RAILWAY STOCK.

Shres.	Railways.	Paid.	Closing price
Stock	Bristol and Exeter	100	86
Stock	Caledonian	100	76¾
Stock	Glasgow and South-Western	100	121
Stock	Great Eastern Ordinary Stock	100	38½
Stock	Do., East Anglian Stock, No. 2	100	7
Stock	Great Northern	100	121½
Stock	Do., A Stock*	100	131
Stock	Great Southern and Western of Ireland	100	103
Stock	Great Western—Original	100	71½
Stock	Do., West Midland—Oxford	100	—
Stock	Do., do.—Newport	100	—
Stock	Lancashire and Yorkshire	100	134¼
Stock	London, Brighton, and South Coast	100	40½
Stock	London, Chatham, and Dover	100	15⅝
Stock	London and North-Western	100	129½
Stock	London and South-Western	100	91
Stock	Manchester, Sheffield, and Lincoln	100	51½
Stock	Metropolitan	100	69¼
Stock	Midland	100	130½
Stock	Do., Birmingham and Derby	100	100
Stock	North British	100	37
Stock	North London	100	121
Stock	North Staffordshire	100	64
Stock	South Devon	100	47
Stock	South-Eastern	100	76
Stock	Taff Vale	100	

* A receives no dividend until 6 per cent. has been paid to B.

INSURANCE COMPANIES.

. of hares	Dividend per annum	Names.	Shares.	Paid.	share.
			£	£ s. d.	£ s. d.
5000	5 pc & bs	Clerical, Med. & Gen. Life	100	10 0 0	21 2 6
4000	40 pc & bs	County	100	10 0 0	85 0 0
34140	5 pc & bs	Eagle	50	5 0 0	6 0 0
10000	7½ 2s 6d pc	Equity and Law	100	6 0 0	7 11 3
20000	7½ 2s 6d pc	English & Scot. Law Life	50	3 10 0	5 5 0
2700	5 per cent	Equitable Reversionary...	105	...	95 0 0
4600	5 per cent	Do. New	50	50 0 0	45 0 0
5000	5 & 3 p sh b	Gresham Life	20	5 0 0	
20000	5 per cent	Guardian	100	50 0 0	51 10 0
20000	5 per cent	Home & Col. Ass., Limtd.	50	5 0 0	3 2 6
7500	10 per cent	Imperial Life	100	10 0 0	16 12 6
50000	12 per cent	Law Fire	100	2 10 0	3 2 6
10000	32½ pr cent	Law Life	100	83 17 6	89 12 6
00000	10 per cent	Law Union	10	0 10 0	0 17 6
20000	5 17s 6d pc	Legal & General Life ...	50	8 0 0	9 0 0
20000	4 12s 6d pc	London & Provincial Law	50	4 17 8	4 11 3
40000	26 per cent	North Brit. & Mercantile	50	6 5 0	23 5 0
2500	12½ & bns	Provident Life	100	10 0 0	34 10 0
89220	20 per cent	Royal Exchange... ...	Stock	All	£318

MONEY MARKET AND CITY INTELLIGENCE.

Early in the week the markets, railways especially, were very brisk; now, however, the exciting position of Spanish affairs has occasioned a general relapse in the stock markets. Foreign securities have fallen, followed by the railway market; the former had already been depressed by some large sales on French account. The markets generally are heavy and in a state of considerable uncertainty. The Colonial and Indian Guaranteed Railway stocks maintain their ground, and the latter are now high in price. The arrangement come to by the Great Indian Peninsula Railway with the Government of India will probably be found to enhance the value of those stocks. The consolidation of the Great Western Railway Guaranteed and Preference Stocks is to take effect on the 16th.

Mr. Charles Ewens Deacon, solicitor, has resigned the offices of Town Clerk of Southampton, Clerk to the Local Board, and

Secretary to the Cemetery. Mr. Deacon who was certificated in 1825, has held the town clerkship for thirty-two years. Mr. R. S. Pearce, the Deputy Town Clerk, who is in partnership with Mr. Deacon, is a candidate for the vacant office.

The will of the late Mr. William Sharpe, solicitor, of Bedford-row, has been sworn under £30,000 personalty.

Mr. Serjeant Kinglake, M.P. for Rochester and Recorder of Bristol, is at present lying seriously indisposed at his town residence.

A law has been passed in California, under which every insurance company organised under the laws of the State shall furnish the Insurance Commissioner, on or before the first Monday in January every year, with data necessary for valuing all its policies outstanding on the 31st of the previous December. The Insurance Commissioner is authorised to employ a competent actuary, whose remuneration shall be three cents,—1½d. for every 1,000 dols. insured.—*Post Magazine.*

ESTATE EXCHANGE REPORT.

AT THE MART.

June 22.—By Messrs. PRICKETT.

Freehold house, No. 27, Carey-street, Lincoln's-inn, let at £60 per annum. Sold £1,240.

Freehold house, No. 56, Warren-street, Tottenham-court-road, let at £55 per annum. Sold £1,126.

Freehold ground-rents, amounting to £26 5s. per annum, arising out of three brick-built houses and premises, Nos. 57, 58, and 59, Warren-street, Tottenham-court-road. Sold £1,300.

Leasehold house and premises, No. 66, Warren-street, Tottenham-court-road, let at £50 per annum. Sold £346.

June 28.—By Messrs. DRIVER.

Freehold residence, known as Bramley-house, near Guildford, Surrey, with pleasure grounds, stabling, cottages, corn mill, house, and homestead, buildings, and land, containing 33a. 0r. 14p. Sold £8,000.

Freehold messuage, situate as above, let at £20 13s. per annum. Sold £385.

Freehold, 3a. 3r. 16p. of land, situate as above. Sold £410.

Freehold, 3a. 3r. 15p. of land, situate as above. Sold £300.

Freehold, 3a. 0r. 37p. of land, situate as above. Sold £180.

Freehold, 1a. 0r. 1p. of land, situate as above. Sold £125.

By Messrs. DEBENHAM, TEWSON, & FARMER.

Freehold residential estate, known as Beaver Hall, Southgate, with stabling, farmyard, buildings, pleasure grounds, and land, containing 40a. 1r. 16p. Sold £22,500.

Freehold 4a. 3r. 32p. of orchard, garden, and meadow land, with two cottages and buildings thereon, situate in Green-lanes, Stoke Newington. Sold £7,550.

Leasehold two residences, Nos. 19 and 21, Westbourne-park-villas, let at £55 each per annum, term 500 years from 1843, at £10 per annum. Sold £1,025.

By Mr. P. D. TUCKETT.

Freehold residence, No. 3, Hawbridge-terrace, Park-road North, Acton, let at £28 per annum—sold £335; ditto, No. 4, ditto, at £28—sold £300; ditto, No. 5, ditto, at £30—sold £300; ditto, No. 6, ditto, at £28—sold £310; ditto, No. 7, ditto, at £30—sold £320; ditto, No. 8, ditto, at £30—sold £330; ditto, No. 12, ditto, at £35—sold £375; ditto, No. 13, ditto, at £35—sold £355.

Leasehold residence, No. 14, Carlton-villas, Park-road North, Acton, term 96 years unexpired, at £4 per annum. Sold £210.

Leasehold two residences, Nos. 16 and 17, Carlton-villas, term same as above, at £8 per annum. Sold £405.

Freehold residence, known as Higham-house, Winchelsea, Sussex, with pleasure grounds, buildings, and land, containing 1a. 3r. 27p. Sold £1,080.

By Messrs. BROAD, PRITCHARD, & WILTSHIRE.

Leasehold house, No. 28, Bolton-road, St. John's-wood, annual value, £50; term, 99 years from 1858, at £8 10s. per annum. Sold £550.

Leasehold house, No. 7, Hasborough-street, Harrow-road, let at £60 per annum; term, 99 years from 1859, at £7 per annum. Sold £565.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BAGSHAWE—On July 1, at 46, Belsize-square, Hampstead, the wife of W. H. G. Bagshawe, Esq., of a son.

HAWES.—On June 27, the wife of W. F. Hawes, Esq., barrister-at-law, of a son.

MARRIAGES.

RAMSDEN—SALMON—On June 1, at St. Alban's Church, Jamaica, Richard Ramsden, Esq., of Camp-hill, Nuneaton, Warwickshire, and of the Inner Temple, to Elizabeth Frances eldest daughter of the late John Stokes Salmon, Esq., of Bagdale, St. Elizabeth's.

DEATHS.

BETTS—On July 2, at 3, South-square, Gray's-inn, Richard Christian Betts, Esq., barrister-at-law, of the Inner Temple, aged 40.

HORNE—On June 23, at 10, Atholl-crescent, Edinburgh, Donald Horne, Esq., Writer to the Signet, in the 84th year of his age.

LONDON GAZETTES.

Winding up of Joint-Stock Companies.

FRIDAY, July 1, 1870.

LIMITED IN CHANCERY.

Cardiff and Newport Colliery and Ironstone Company (Limited).—Vice-Chancellor Stuart has, by an order dated May 10, appointed Alfred Elborough, of 26, College-street, to be official liquidator. Creditors are required, on or before July 27, to send their names and addresses, and the particulars of their debts or claims, to Alfred Elborough, of 26, College-street. Friday, August 5, at 1, is appointed for hearing and adjudicating upon the debts and claims.

Millwall Iron Works, Ship Building, and Graving Docks Company (Limited).—Petition for winding up, presented June 30, directed to be heard before the Master of the Rolls on July 9. Parker & Co, Bedford-row, solicitors for the petitioners.

Teignmouth Pier Company (Limited).—Vice-Chancellor Malins has fixed July 7, at 1, at his chambers, for the appointment of an official liquidator.

COUNTY PALATINE OF LANCASTER.

Brunswick Steam Saw Mills Company (Limited).—An amended petition for winding up, presented June 30, directed to be heard before Vice-Chancellor Wickens, at his chambers, 7, Stone-buildings, on July 12, at four. Lowndes & Co, Liverpool, solicitors for the petitioners.

TUESDAY, July 5, 1870.

UNLIMITED IN CHANCERY.

Central Cornwall Railway Company.—Petition for winding up, presented July 4, directed to be heard before Vice-Chancellor Malins on July 15. Bell & Stewards, Lincoln's-inn-fields, for Gurney & Co, Launceston, Cornwall, solicitors for the petitioner.

Laugharne Railway Company.—Vice-Chancellor James has, by an order dated June 25, ordered that the above company be wound up. Ashurst & Co, Old Jewry, solicitors for the petitioner.

Skipton and Wharfdale Railway Company.—Vice-Chancellor Malins has, by an order dated June 25, ordered that the above company be wound up. Webb, Gresham-street, for Robinson, Skipton, solicitor for the petitioner.

LIMITED IN CHANCERY.

Commercial Indemnity Corporation of Great Britain (Limited).—Vice-Chancellor Malins has, by an order dated June 24, ordered that the above company be wound up. Bellamy and Strong, Bishopsgate-street, Without, solicitors for the petitioners.

London Depository Company (Limited).—Vice-Chancellor James has, by an order dated May 5, appointed James Harris, of 8, Old Jewry, to be official liquidator.

Ebury Lead Mining Company (Limited).—Vice-Chancellor Stuart has, by an order dated June 24, ordered that the above company be wound up. Snell, 1, George-street, Mansion-house, solicitor for the petitioner.

Trowbridge Water Company (Limited).—Petition for winding up, presented July 4, directed to be heard before Vice-Chancellor Malins on July 15. Russell & Co, Old Jewry-chambers, solicitors for the petitioners.

Fortune Copper Mining Company of Western Australia (Limited).—Vice-Chancellor James has, by an order dated June 23, ordered that the above company be wound up. Daw, Argyle street, Regent-street, solicitor for the petitioners.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, July 1, 1870.

Bilton, Wm, South Audley-st, Middx, Licensed Victualler. July 20. Luscher v Bilton, V.C. Stuart. Sherrard, Clifford's-inn.

Butler, Mary Ann, Earl's-court-terrace, Kensington, Widow. July 14. De Bondo v Ward, V.C. Stuart. Clarke, Essex-street, Temple.

Dyson, Hy Leah, Bradford, York, Contractor. July 27. Waugh v Little, V.C. Malins. Rawson & Co, Bradford.

Gage, Wm, Monks Eleigh, Suffolk, Farmer. July 16. Alexander v Gage, V.C. Malins. Robinson & Co, Hadleigh.

Greene, Anthony Sheppey, Lewes, Sussex, Esq. July 28. Smythe v Munn, M.R. Senior & Co, New-inn, Strand.

Hulme, Chas, Smallwood, Chester, Farmer. July 28. Hulme v Hesketh, M.R. Tomkinson, Bursiem.

Mackenzie, Jessy, Bath, Widow. July 26. M.R. Bolton, New-square, Lincoln's-inn.

Mart, John, South Normanton, Derby. July 29. Mart v Adlington, V.C. Malins. Cursham, Mansfield.

Parker, Chas, Wickham Skeith, Suffolk, Farmer. July 25. Parker v Page, V.C. James. Walter & Mooljee, Southampton-street, Bloomsbury-square.

TUESDAY, July 5, 1870.

Allan, Thos, Compton, York, Farmer. July 20. Betham v Allan, V.C. Bacon. Coates, Wetherby.

Drake, Jas Wm Fairleigh, Long Ditton, Surrey, Gent's Servant. July 20. Drake v Benjamin, V.C. Bacon. Day, Queen-street, Mayfair.

Fenton, John Jas, Bath, Esq. Sept 21. Rose v Lewis, V.C. Stuart. Smith, Bath.

Greener, Wm, Birm, Gunmaker. Aug 1. Mannox v Greener, V.C. Malins. Milward, Birm.

Groome, Hy A, King's Langley, Herts, Brewer. Aug 1. Groome v Groome, M.R. Lewin, Southampton-st, Strand.

Paris, John Ellis, Bromwell's-passage, High-street, Clapham, Rag Merchant. July 28. Paris v Sergeant, M.R. Chester, Newington-butts.

Pitchers, Jas, Gt. Yarmouth, Norfolk, Fishing Merchant. July 30. Coultwas v Swan, V.C. Stuart.

Siviter, Wm, Blake Heath, Rowley Regis, Stafford, Licensed Victualler. July 20. Woodbridge v Patrick. M.R. Shakespeare, Oldbury.

Stopford, Chas Philip Joseph, Bath, Somerset, Captain. July 18. Davies v Davies, V.C. Malins. Harris, Bishopsgate Churchyard.

Creditors under 22 & 23 Vict. cap. 35.

1st Day of Claim.

FRIDAY, July 1, 1870.

Cuppage, Ann Bellenden, Baker-st, Portman-sq, Widow. Sept 1. Steele & Sons, Bloomsbury-sq.
Dinah, Bridget, How, Exeter, Spinster. Sept 1. Hooper, Exeter.
Fryer, Mary, North Shields, Northumberland, Spinster. Sept 1. Leitch & Co, North Shields.
Holloway, Wm, East Ham, Essex, Farmer. Aug 1. Wilson & Son, Basinghall-st.
Johnson, Robert, York, Auctioneer. Oct 1. Walker, York.
Knights, Geo, Richmond, Surrey, Saddler. Aug 1. Reed & Lovell, Guildhall-chambers.
Lee, Leonard, Leeds, Wine Merchant. Sept 30. Snowdon & Sons, Leeds.
Matthews, Thos, Aberbechan Hall, Montgomery, Gent. Aug 1. Woosnam, Newtown.
Milner, Wm, Kingston-upon-Hull, Licensed Victualler. Aug 4. England & Co, Hull.
Milton, Eliz, Byworth, Sussex. Spinster. Aug 30. Sedgworth & Co, Abingdon.
Mitchell, Eliz Ann, Brighton, Sussex, Widow. Aug 13. Yeasey, Baldock.
Phippen, Robert, Bedminster, Bristol, Solicitor. Aug 26. Fry & Otter, Bristol.
Purdue, Hy, Oxford, Wine Merchant. Sept 1. Hester, Oxford.
Stacey, Wm, Sheffield, Licensed Victualler. July 25. Rodgers & Thomas.
Stockwell, Joseph, Morley, York, Cloth Manufacturer. Sept 30. Snowden & Son, Leeds.
Sutton, Catherine, Leire, Leicester, Spinster. Aug 1. Fox, Lutterworth.
Treleaven, Wm, Saint Austell, Cornwall, Gent. July 30. Shilson & Co.
Vyner, Fredk Grantham, Newby Hall, York, Esq. Aug 27. Bennett & Co, New-sq, Lincoln's-inn.
Wharton, Geo, Sheffield, Steel Merchant. Aug 1. Ryalls & Son, Sheffield.
Wilson, Thos, Piersebridge, Durham, Shoe Maker. Aug 1. Wooler, Darlington.
Wright, Thos, Overton-by-Frodsham, Chester, Yeoman. Aug 2. Ashton, Frodsham.

TUESDAY, July 5, 1870.

Adams, Susanna, West Teignmouth, Devon, Widow. Aug 8. Jordan, West Teignmouth.
Barton, Robert, Pettigo, Fermanagh, Ireland, Lieut R.N. Aug 10. Roberts & Simpson, Moorgate-st.
Bushell, Fras, Alicant, Spain, Merchant. Aug 20. Barnes & Bernard, Great Winchester-st.
Cook, John, Albany-st, Capt Militia. July 20. Blewitt, New Broad-st.
Cowell, Matilda, Lee, Kent, Widow. Aug 5. Barrett, Wakefield.
Duce, Margaret Comb, Enfield Highway, Middlesex, Widow. Aug 8. Cole, Waltham Cross.
Gillett, Thos, Kilkenny Farm, Oxford, Corn Dealer. Oct 1. Price & Son, Burford.
Harris, Rees, Llanguicke, Glamorgan, Contractor. Sept 1. Kempthorne, Neath.
Hawgood, Sarah, Durham-pl, Seven Sisters'-rd, Widow. Aug 1. Dowse & Darville, Lime-st.
Hellon, Hannah, Kirby, Cumberland, Widow. Aug 29. Hayton & Simpson, Cockermouth.
Henderson, Rev Joseph Rawlinson, Dufton, Cumberland. Aug 3. Young & Co, Essex-st, Strand.
Oppenheim, Gustav, Manch, Calico Printer. Sept 1. Earle & Co, Manch.
Oxby, Sarah, Fulbeck, Lincoln, Spinster. Aug 31. Cockayne & Talbot, Nottingham.
Plastow, Jas, Surrey-sq, 'Old Kent-rd, Licensed Victualler. July 23. Randall & Son, Tokenhouse-yard.
Plumridge, Sarah, Tucnes End, Berks, Widow. Aug 1. Brown, Maidenhead.
Robinson, Mary, Hastings, Sussex, Innkeeper. Aug 12. Meadows & Elliott, Hastings.
Sturland, Thos Tildasley, Wylde-green, Warwick, Metal Broker. Oct 1. Best & Horton, Birm.
Thompson, Susanna, Southampton, Widow. Aug 4. Pearce & Marshall, Portsea.
Tudman, Edward, Whitchurch, Salop, Wine Merchant. Aug 1. Jones, Whitchurch.
Webb, Benj Johnson, Topsham, Devon, Surgeon. Sept 1. Huggins, Exeter.
Wells, John, or Geo Edenfield, Hazelbeech, Northampton, Schoolmaster. July 12. Bremner, Lpool.
Williams, Thos, Cowley-grove, Hillington, Middlesex, Esq. Aug 20. Thomas & Hollams, Mincing-lane.
Wilson, Geo, High Roothing, Essex, Farmer. July 31. Kearsey, Old Jewry.
Wise, Geo, Tonbridge, Kent, Tonbridge Ware Manufacturer. Oct 1. Stenning, Tonbridge.

Bankrupts.

FRIDAY, July 1, 1870.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Barker, Stephen, Barnet-st, Hackney-rd, Corn Chandler. Pet June 29. Hazlitt. July 13 at 11.
Bell, Geo, Gt Northern Potato Market, King's-cross, Potato Salesman. Pet June 30. Pepys. July 12 at 12.
Thompson, Jane, Old Cavendish-st, Milliner. Pet June 28. Pepys July 12 at 12.
Tichborne, Sir Roger Chas Doughty, Harley-rd, Brompton, Bart. Pet June 29. Hazlitt. July 13 at 12.

To Surrender in the Country.

Davies, Edmund Ryder, Halberton, Devon, Clerk in Holy Orders. Pet June 30. Daw. Exeter, July 12 at 12.
Priestley, Luke, & Isaac Roper, Horton, York, Worsted Stuff Manufacturer. Pet June 28. Robinson. Bradford, July 12 at 9.
Revett, John, Kelvedon, Essex, Licensed Victualler. Pet June 28. Barnes. Colchester, July 15 at 9.30.
Sykes, Hy H., Nottingham, Draper. Pet June 26. Patchitt. Nottingham, July 12 at 11.
Tadman, Jeffrey, Kingston-upon-Hull, Vegetable Merchant. Pet June 25. Phillips. Kingston-upon-Hull, July 13 at 11.
Thompson, Hy, Lpool, Provision Merchant. Pet June 29. Hime. Lpool, July 21 at 2.
Urquhart, Arthur, Sunderland, Durham, Grocer. Pet June 29. Ellis, Sunderland, July 15 at 11.
Westby, Jocelyn Tate Fazackerley, Kirkham, Lancashire, Gent. Pet June 28. Myres. Preston, July 20 at 10.
York, Levi, Wednesbury, Stafford, Engineer. Pet June 27. Clarke, Walsall, July 13 at 12.

TUESDAY, July 5, 1870.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Edwards, Hy Arthur, Upper Thames-st, Newspaper Proprietor. Pet June 30. Roche. July 18 at 11.
Meisenheimer, Wendel, Liverpool-rd, Islington, Baker. Pet June 22. Spring-Rice. July 16 at 12.

To Surrender in the Country.

Bolus, Geo, Birm, Edge Tool Manufacturer. Pet June 29. Chauntler. Birm, July 15 at 10.
Dalloe, Thos, Droitwich, Worcester, Butcher. Pet June 30. Crisp. Worcester, July 18 at 11.
Farbon, Wm, West Deeping, Lincoln, Miller. Pet June 25. Gaches. Peterborough, July 16 at 1.
Hawcroft, Joseph, Sale, Cheshire. Pet June 23. Kay. Manch, July 22 at 12.
Hierns, Wm, Lpool, Baker. Pet June 29. Hime. Lpool, July 19 at 2.
Hoare, John Chapman, Little Hadham, Hertford, Miller. Pet July 1. Spence. Hertford, July 26 at 11.
King, Richd, Armstrong-st, Plumstead, Builder. Pet July 1. Bishop. Greenwich, July 25 at 12.
Onions, John, Netherton, Worcester, Ironmaster. Pet June 20. Walker. Dudley, July 15 at 12.
Stanley, Wm, & Edwd Stanley, Morpeth, Northumberland, Watchmakers. Pet June 30. Mortimer. Newcastle, July 16 at 12.

BANKRUPTCIES ANNULLED.

FRIDAY, July 1, 1870.

Beeman, Ebenezer, Tonbridge, Kent, Farmer. June 28.